INQUIRY®

MAGAZINE

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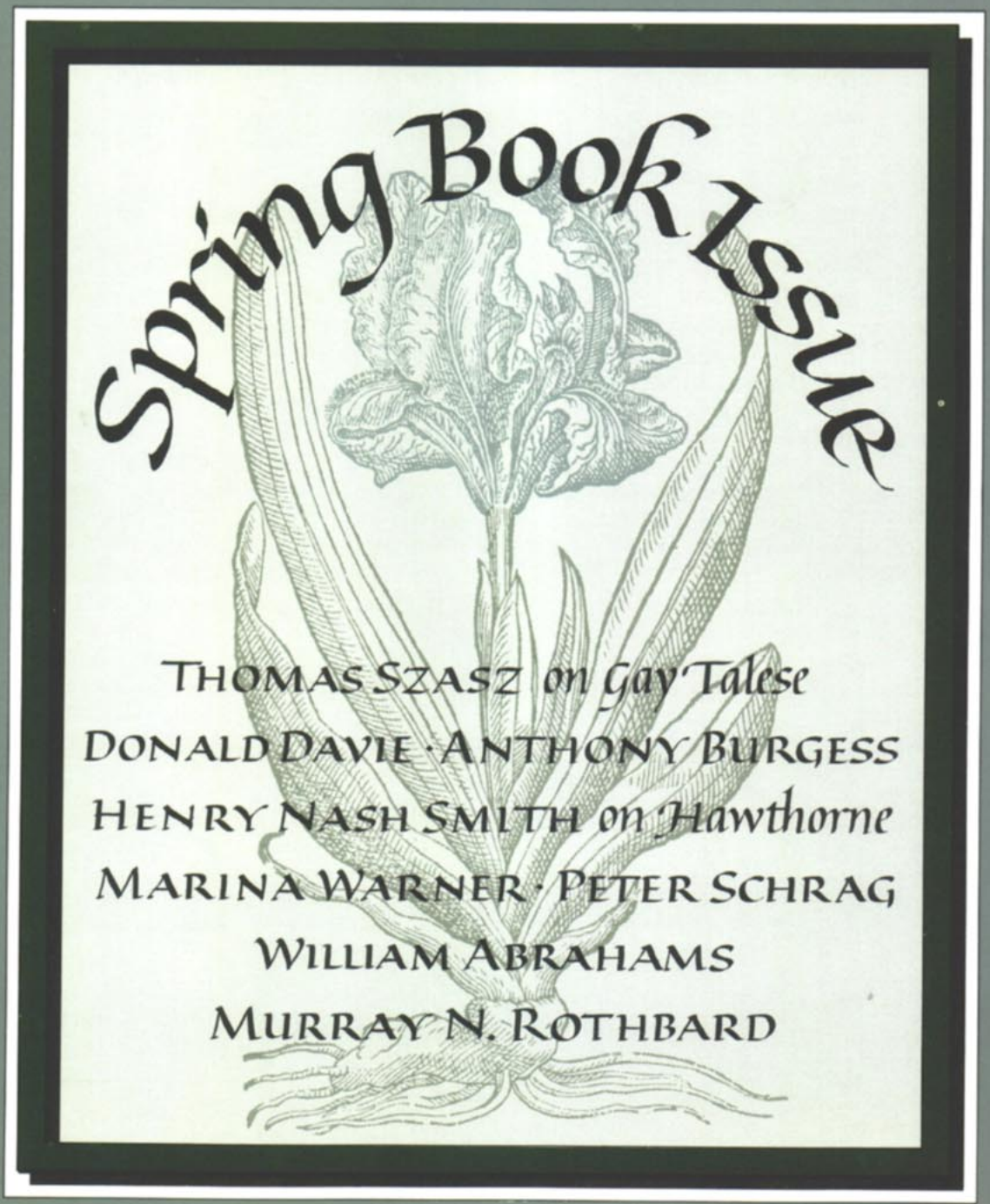
Nat Hentoff: *The Brethren Bite Back*

Guarding Our Borders Against Gays

Behind Sergeant Doe's Liberian Coup


Spring Book Issue
THOMAS SZASZ on Gay Talese
DONALD DAVIE · ANTHONY BURGESS
HENRY NASH SMITH on Hawthorne
MARINA WARNER · PETER SCHRAG
WILLIAM ABRAHAMS
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The Power of Money

A Political-Economic Analysis with Special Emphasis on the American Political System

by **HENRY BRETTON**

Money is both a vibrant, dynamic material substance and a social force that permeates industrial societies in their entirety. Yet significant aspects of how money works in society are concealed by myths, dogmas, and misperceptions.

In *The Power of Money*, Henry Bretton inspects the long-neglected aspects of money as such. Thus he addresses himself to what he sees as the major task for contemporary social science: the integration of the two mainstreams of social theory, the political and the economic.

The Power of Money is divided into four parts. Part One traces the monetarization of societies from antiquity to the Industrial Revolution. The formative years of the United States are analyzed in terms of being based on political ideas that did not take account of monetarization.

Part Two reviews what economists from Aristotle to Marx and from Walras to Friedman have thought about the role of money in society. Another chapter reviews how social theorists who are not economists — sociologists, psychologists, lawyers, and religious philosophers — relate money to aspects of individual behavior and social norms.

Parts Three and Four, the major focus of the book, concentrate on how money works in a democracy, and these chapters present the subjects of monetary policy, corruption and reform, banking in politics, private power within a democracy, money in international relations, and the system-destroying effects of money.

Henry Bretton *is Distinguished Professor of Political Science at the State University of New York College at Brockport. He is also the author of several books on politics and political economy of Germany and African countries.*

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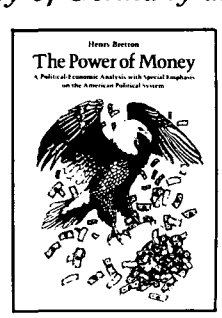

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Calligraphy by JOHN PRESTIANNI *Typography by* MACKENZIE-HARRIS AND SOLOTYPE

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A WORD FROM THE PUBLISHER

WITH THIS ISSUE Bill Evers, who has been editor since the beginning, leaves to return to the academic world. Bill was the founder of *INQUIRY*, and what this magazine represents owes more to him than to anyone else. We will miss him, but we will continue to be guided by the spirit and the values he brought to our enterprise.

This is one of our twice-a-year book issues and, I believe, one of our best. From Thomas Szasz on a current best seller that "non-judgmentally" trivializes and deindividualizes sex; to Donald Davie on yet another simplistic survey of "America" and "California"; to Marina Warner on a literary genius sadly overshadowed by her husband; to Anthony Burgess, Murray Rothbard, William Abrahams—I hope you'll enjoy our spring issue.

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The hills are alive with the sound of music

■ Primary school students in South Africa's Orange Free State have been taught to sing about killing Robert Mugabe, the prime minister–designate of Zimbabwe.

The ditty, sung to the tune of "Singin' in the Rain," was part of the curriculum of the Hobhouse Open Air School, a special program to teach boys roughly 12 years of age about the countryside.

—Africa News, Apr. 14, 1980

Pornography on television

■ Just as the Biblical Adam and Eve were removed from the Garden of Eden, city officials in Dallas have banished a nude sculpture of the pair.

Steve Rosen, manager of special events for City Hall, said he had the table-top sculpture removed because the "anatomically accurate" Adam and Eve figures might offend viewers.

The work, entitled "Early Morning," depicts Eve wading in a pool and Adam emerging from a television set and is part of an exhibit sponsored by the Texas Fine Arts Assn.

—Los Angeles Times, Apr. 25, 1980

The truth at last

■ A long-time political assassination researcher is claiming that the tragedy at Chappaquiddick could well be the biggest cover-up of them all.

Robert Cutler of Manchester, Massachusetts, says his 10-year study of the accident at Chappaquiddick has convinced him that Senator Edward Kennedy was "framed" in that accident. Cutler contends that Kennedy was not even in the car the night it was driven off the bridge, carrying Mary Jo Kopechne to her death.

Cutler asserts that on the night of the tragedy, Kennedy was drugged and kidnapped by a group of conspirators with CIA connections—a group that was out to destroy his chances of ever becoming president.

He alleges that Kopechne was murdered when the senator's car was deliberately driven off the bridge, and even that a Ted Kennedy look-alike was used to implicate the senator.

—Berkeley Barb, Apr. 10, 1980

Canadian government makes major contribution to science

■ A storm of public outrage has erupted over the death of two polar bears that were dunked in crude oil as part of an $80,000 government experiment to test the effect of an oil spill on the white-furred animals.

Natural Resources Minister [of Manitoba] Brian Ransom defended the experiment in the Manitoba legislature by saying it helped "expand the body of knowledge that will probably inevitably be required to deal with in the event of an oil spill."

Experts had promised the animals would not be harmed in the experiment, which took place last month and was intended to determine the effects of an Arctic oil spill on the world's dwindling polar bear population.

—Washington Post, Mar. 28, 1980

Blessed are the meek

■ About 2000 children and adults who had gathered for an Easter egg hunt at a zoo [in Columbus, Ohio] dismantled ropes blocking off the grounds and snatched up 2000 marshmallow-filled chocolate eggs 20 minutes before the event was to start, authorities say.

At least two persons received first-aid treatment after the scramble Sunday.

"I've never seen anything like it," said Jack Hanna, director of the Columbus Zoo, which was staging the free egg hunt for the first time.

"It was like watching 5000 rats that haven't eaten in weeks," he said. "You wouldn't think that the adults would go out and hunt eggs."

Hanna said that "about 20 minutes before the hunt was to start, adults went out into the area and started picking up the eggs."

Zoo officials had planned for the hunt to be divided into three age groups, but the younger ones didn't have a chance—or just weren't fast enough.

—San Francisco Chronicle, Apr. 7, 1980

Navy develops new treatment for anxiety

■ A sailor who became violent while being treated at a military clinic here was strapped to a hospital bed and his ears were sewn to the bedding for punishment, the Navy confirmed Thursday.

The stitching allegedly took place about 1 A.M. on April 12 at the Navy's Boone Clinic at the Little Creek Amphibious Base when the sailor angered an unidentified Navy hospital corpsman in the clinic's emergency room.

—Los Angeles Times, Apr. 25, 1980

Protecting America's energy future

■ At a time when Congress faces $17 billion in budget cuts, . . . a House subcommittee has agreed to spend $20 million for numerous energy research projects, including $2,670 for a solar-heated doghouse and $1,200 for an insulated, solar-heated outhouse.

[Rep. Robert] Walker (R., Pa.) said other research projects included "solar hot tubs, a solar beeswax melter, and a study of the historic use of natural lighting."

—Miami Herald, Apr. 3, 1980

And eight more in case they're needed

■ A court established to review requests for wiretaps and other types of electronic surveillance in foreign intelligence cases approved all of the Government's requests last year, according to a report released yesterday.

In the 1979 calendar, [Attorney General Benjamin] Civiletti said, the Government made 199 applications to the court for orders and extensions of orders approving electronic surveillance. The seven-judge court issued 207 orders authorizing electronic surveillance, the report said.

—New York Times, Apr. 20, 1980

Pretty birdie

■ The Massachusetts Audubon Society has called for a more modest program to control seagulls on Monomoy Island than that proposed by the Federal Government, which is seeking to poison up to 3,000 gulls next month.

Under the proposal, gulls nesting near a tern colony would be fed poisoned "sandwiches" consisting of the toxicant DRC 13-39 mixed with margarine and spread on two slices of white bread. The poison would be put out as bait for 3,000 herring and black-backed gulls that nest within a quarter of a mile of the terns.

—New York Times, Apr. 20, 1980

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Savaging the Bill of Rights

Burger's greatest hits

AFTER TEN YEARS, THE BURGER COURT has long since pushed us all past surprise, and so the press reaction to the infamous *United States* v. *Snepp* decision, while vehement, carried a certain tone of resignation. Eliot Fremont-Smith, writing in the *Village Voice*, chided the critics: The Court, he said, was merely protecting the government's right "not to be constantly harassed on how and why it is saving the Republic."

This is not to suggest that no one was outraged by *Snepp*. It was a terrible decision both in theory and practice. The theory is that the government can exercise prior restraint against any employee or former employee who has had access to confidential—as distinguished from classified—information in the course of his employment. We may now rest assured that the federal bureaucracy has the proper tools to crush such threats to democracy as the disclosures of cost overruns on the C-5A cargo plane.

The immediate effect of the decision is to subject the luckless Frank Snepp to CIA editing of anything he might write in the future—which may be very little if the agency's past performance means anything. Ask Victor Marchetti and John D. Marks. Eight years ago their book *The CIA and the Cult of Intelligence* was submitted to the CIA for censorship; when it was finally published, it included 168 blank spaces where the agency had made deletions. This year the CIA relented and agreed to restore 25 of the missing passages. To give some idea of the kind of dangerous material the CIA censors had suppressed, on pages 292 and 293 of the book as published, there was a description of a 1969 meeting of the National Security Council. The CIA had erased the second sentence. Now restored, it reads: "The purpose of this session was to decide what American policy should be toward the governments of southern Africa." Luckily these words didn't reach our enemies.

We'll leave further analysis of *Snepp* to columnist Nat Hentoff, who presents the distressing details on page six. Our point here is to warn the thin-skinned who worry about such trivialities as the gutting of the First Amendment that there is undoubtedly more on the way. This is a Court that has, from the beginning, shown an amazing hostility toward individual rights in general and First Amendment rights in particular. Possibly the Court's war on journalists' rights is based on Chief Justice Warren Burger's personal hostility toward reporters, as much as anything else. He once got into a wrestling match with a CBS reporter trying to film a speech at an American Bar Association meeting in Atlanta; at another judicial convention, officials who wondered why Burger hadn't appeared to give a scheduled speech found him pacing his hotel suite in his underwear, muttering "I'm not going to go down." Someone had told him that televised coverage of the speech might be permitted.

Consider this lineup of the Burger Court's more disastrous decisions:

- *Gannett* v. *De Pasquale* (1979). The Court discovered that for two hundred years the public had erroneously assumed it had a constitutional right to attend criminal trials and quickly moved to remedy this assumption. Judges were given broad discretion to close their courtrooms, and in a concurring opinion Justice William Rehnquist said judges need not "advance any reason whatsoever for declining to open a pretrial hearing or trial to the public."
- *Parham* v. *J. R.* (1979). In an opinion written by Burger, the Court held that children up to the age of eighteen can be indefinitely committed to mental hospitals by their parents without a hearing of any sort. Anyone who has ever visited a state mental hospital can only shudder.
- *Ingraham* v. *Wright* (1977). Again fearlessly standing up for the rights of children, the Court held that teachers may with impunity beat their students. Even though the Court agreed that the abuse inflicted on two Florida students was "excessive," Justice Lewis F. Powell argued that the beatings were justified for the eminently sensible reason that teachers have always beaten children.
- *Branzburg* v. *Hayes* (1972). The Court held that reporters may not refuse to answer grand jury questions with regard to their confidential sources, a ruling that struck at the very heart of investigative reporting. Since then at least a dozen newsmen have gone to jail rather than talk—and there's no way of knowing how many others have said "the hell with it" rather than pursuing a story that might as a side effect teach them firsthand about prison life.
- *Kentucky* v. *Wharton* (1979). A judge, the Court ruled, need not always instruct a jury that a defendant is presumed to be innocent, even with a specific request from the defendant to do so. This decision brings to mind the observation of constitutional scholar Leonard Levy that most of the Burger Court justices "vote for the rights of the criminally accused about as often as snarks are sighted alighting on the roof of the Supreme Court building."
- *Zurcher* v. *Stanford Daily* (1978). Justice Byron White's opinion gives police a virtually unlimited right to ransack the homes and possessions of anyone at all, suspected of a crime or not. The decision means police may obtain warrants to make unannounced searches of any premises, including newsrooms and the offices of doctors, clergymen, and lawyers, for evidence of crimes committed by others. Although journalists were the most appalled by the decision, it put the entire country at the mercy of every justice of the peace in America. Judges can and do readily find probable cause to issue warrants, and the *Stanford Daily* ruling means that law-abiding citizens who aren't suspected of any crime may have to submit to searches without the opportunity to contest the order in court—which they could have, were a subpoena required.
- *Rakas* v. *Illinois* (1978). Rehnquist, writing for the majority, held that police are free to conduct what would otherwise be unconstitutional searches of passengers in automobiles because a passenger, unlike the owner of the car, has no

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"legitimate expectation of privacy."

● *Time, Inc.* v. *Firestone* (1976). The Court began chipping away at the press's protection from libel suits by public figures, ruling that a Florida socialite involved in a notorious divorce suit was not a public figure, even though she often called press conferences during the course of the divorce proceedings.

● *Herbert* v. *Lando* (1979). White, reporting in again from left field, this time offered the Orwellian notion that in a libel suit plaintiff's attorneys may probe the writer's "state of mind." After *Lando*, newspaper attorneys began advising editors not to write memos raising questions about stories in advance of publication, since the very fact that an editor had questions could be used to cast doubt on the story's credibility and the newspaper's motives in publishing it.

● *Mitchell and Doubleday* v. *Bindrim* (1979). In this bizarre step expanding the grounds for libel, the Court refused to hear the appeal of an author and publisher of a novel who had both been successfully sued for libel. The Court thus let stand a lower court ruling that the book in question included "substantially inaccurate descriptions of what actually happened" in nude therapy groups. The question of how one can evaluate "substantially inaccurate descriptions" in a work of fiction, written from an author's imagination and conveying no implication of accuracy, seems not to have occurred to them.

● *Kissinger* v. *Reporters Committee* (1980). The Court here ruled that Henry Kissinger—and, by extension, other government officials—could evade the Freedom of Information Act simply by spiriting away any documents they didn't care to make public. If the government no longer has the documents, Justice Rehnquist noted incisively, then it certainly can't make them public under FOIA requests.

But let's not harp on the negative. Consider the following case, which shows a touching regard for the rights of the little guy. In *Stump* v. *Sparkman* (1978) the Court boldly protected the right of an Indiana judge to authorize the sterilization of a fourteen-year-old girl with no hearing, no attorney, and no statutory authorization. The girl was told she was having an appendectomy; it was only years later, after she was married and couldn't conceive, that she found out what had really happened. Even had the judge acted with malice, the Court ruled, he was protected under the doctrine of judicial immunity. After all, if judges didn't have the right to act in a high-handed, arrogant fashion and run roughshod over the Constitution, the next thing you know, people would be complaining about the Supreme Court. ❑

Getting Jesus into government

The gospel according to John

IT'S THE SORT OF THING YOU CAN SAY only at the risk of sounding like a churlish Spiro Agnew speechwriter, but it really is true: John Anderson's quixotic quest for the presidency is a creature of the news media. The man didn't win a single primary, was crushed in most—and yet somehow he's been catapulted into a nationally spotlighted role as an independent candidate who, the columnists say, might throw the election into the House of Representatives.

You may well ask how a man who can't beat Ronald Reagan in the primaries could possibly be expected to do it in the general election. You might also wonder how he could push out Carter, who has a preternatural ability to dump a federal grant or an international crisis on the electorate every time it looks like he's in political trouble.

The answer is that the news media have propped Anderson up right from the beginning. It started with an editorial in the *New York Times* last January entitled "Why Not the Best?" which was far too nauseating to be quoted here. Since then hardly a day goes by that some columnist isn't marveling over such humane Anderson proposals as a fifty-cents-a-gallon tax on gasoline or the various Cold War initiatives he has suggested for use against the Soviets.

"He seems to be a good man in a bad time when nobody is listening," wrote James Reston. Former *Times* editorial page editor John B. Oakes called him "one of those rare politicians whose political standards and sense of values seem more important to him than winning the next election." The renowned thinker Sally Quinn offered this: "He is opinionated without being judgmental, open-minded without being vacillating, unglamorous yet not boring. He is the antithesis of the self-indulgence of the 70s. He seems like a good, decent, honest, intelligent, dedicated man." Mike Royko observed that "almost every columnist who interviews him comes away saying he has more brains and character than any of the other GOP candidates."

It is this claim that Anderson is up to his eyebrows in brains and character that is most nettling. Anderson is just as ignorant, greedy, and cynical as are the other presidential candidates. But the same media pundits who scream about Reagan's mindless warmongering are oblivious to the fact that John Anderson opposed the War Powers Act of 1973, supported the B-1 bomber, and has advocated military aid to Pakistan, among other things.

And the same people who argue that Jimmy Carter is a bungler whose reliance on divine guidance to justify his actions is more than a little dangerous should consider the following, which Representative John Anderson introduced in Congress on June 19, 1961, as an amendment to the U.S. Constitution. We reprint it in full for their edification:

> Section 1. This nation devoutly recognizes the authority and law of Jesus Christ, Saviour and Ruler of nations, through whom are bestowed the blessings of Almighty God.
>
> Section 2. This amendment shall not be interpreted so as to result in the establishment of any particular ecclesiastical organization, or in the abridgment of the rights of religious freedom, or freedom of speech and press, or of peaceful assemblage.
>
> Section 3. Congress shall have the power, in such cases as it may deem proper, to provide a suitable oath or affirmation for citizens whose religious scruples prevent them from giving unqualified allegiance to the Constitution as herein amended.

It is hard to know what possessed Anderson on that June day in 1961 when he decided that it was in the best interests of the country to repeal the First Amendment. Perhaps he was suffering from some rare brain ailment. Yet he introduced the same amendment on March 11, 1963. And, having failed twice to establish a state religion, he introduced yet another constitutional amendment in 1965 that would have brought back prayer in the public schools. Clearly it is true that John Anderson is a man of ideas. The problem is that so many of them are crackpot ideas. ❑

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LETTERS

Letters to the editor should be addressed to INQUIRY Magazine, 747 Front St., San Francisco, California 94111. The editors reserve the right to edit letters for length when necessary.

Left and right meet

IN BRUCE BARTLETT'S "THE Return of the War Economy" [Mar. 17, 1980] he points out the schizophrenia of conservatives who say they want less government spending but more defense spending. The hypocritical positions of conservative businessmen on the nuclear industry, the Export-Import Bank, and various other subsidies to business have also been discussed in your magazine. I don't doubt the correctness of the information in these articles, but I have my doubts about the way the conservatives in question are characterized.

Authors discussing the two-facedness of conservatives say things like, "as soon as they see an opportunity to feed at the public trough, they take full advantage of it," or, as Bruce Bartlett put it, "the conservatives acquiesced in the very system they claim to abhor." Conservatives are portrayed as people who have a real desire for a free economy, but who unfortunately can't resist the temptation of public goodies placed before them, or who get confused in their passion to fight communism.

I think this is a bunch of garbage. I think a great many conservatives, especially those in the business world, are as diligently prosocialist as are people like Michael Harrington and Tom Hayden. The only difference between many Chamber of Commerce members and Tom Hayden is in the style of the socialism they want to impose on everyone. And the fact is, the Chamber of Commerce is being much more successful in introducing central planning than are the Michael Harringtons or Ted Kennedys.

I've come to these conclusions mainly by watching what's been going on in my neighborhood. I live in a "Redevelopment Project Area." A thing called "The Community Redevelopment Agency of the City of Los Angeles" has come in and taken control of all property. In other redevelopment projects, the CRA has used eminent domain to remove poor people from their homes and bulldoze established businesses. Most of the land taken by the government in redevelopment projects is used not for public facilities like schools, parks, or libraries, but for "private" development. When an area becomes a "Redevelopment Project Area," all real estate in the area becomes effectively owned by the state.

Government redevelopment projects are the most cold-blooded and extreme attacks on the institution of private property going on at this time. At least in Los Angeles, the initiative in promoting redevelopment projects has been aggressively taken by the Chamber of Commerce officers. And as the projects go on, their only steadfast supporters are Chamber of Commerce members. Let's face it, the conservative business community has never figured out how capitalism works or what freedom is.

ROBERT COLBURN
North Hollywood, Calif.

Apocalypse again

NOAM CHOMSKY [APR. 7, 1980] risks a heart attack if he doesn't relax a bit. Why can't he? It is understandable that he spent the Vietnam War years in a state of high and shrill tension; but his viewpoint prevailed, the United States withdrew, and now we have the prolonged fighting, concentration camps, homeless refugees, genocide, and famine that some of us kept saying would be among the consequences.

Of course, it would be unjust to accuse anyone active in the "peace" movement of having desired these things, and I don't. I don't even expect such persons to admit that they made a mistake. But they might have the grace to stop preaching at us.

POUL ANDERSON
Orinda, Calif.

The world is too much with us

I HAVE READ YOUR MAGAZINE for some time. It is excellent. Congratulations! I wish I could say I enjoy it. No—it's too depressing. Is there no hope? On reading *INQUIRY* it seems so. I do not want to sound Pollyannaish, nor do I want you to slacken in your attack on the knaves, fools, incompetents, criminals, and traitors, but I do wish that once in a while you could find something positive to say, something good, some words to give your readers hope.

ALEXANDRA C. MOFFAT
Liberty, Me.

Thanks for the warning

WHAT KIND OF PINKOS ARE you, anyhow? I don't think President Reagan is going to take a very favorable view of this sort of thing.

JOHN V. FELS,
Colonel, U.S. Air Force
Phoenix, Ariz.

Keeping our streets safe

MORE THAN JIMMY CARTER'S latest boondoggle or another scurrilous attack on freedom of speech and thought, what you folks fight is a state of mind. The other day I was driving downtown looking for a place to park. I hunted and hunted until I found one—sort of. The spot was between two metered stalls that had cars parked in them. One of the cars was parked along the curb toward the back of its space, the other sat up toward the front. This left a nifty space that I wheeled my Volkswagen bug into.

Since parking space is rather hard to come by downtown, I was rather pleased with my good fortune. It was a legal parking zone, the meters of the other two cars were paid up, and I had a place to park. The city was still getting maximum use from its meters, and I, a taxpayer who pays for the maintenance of the street and for those who ostensibly do the maintenance, was making use of what are very limited resources without costing anybody a dime. My makeshift parking space was in quasi-legal status, I figured. But even though it wasn't staked out and metered, that doesn't mean it can be coopted by the government, right?

Apparently, I was wrong. Returning from a short errand, I found a parking ticket stuck beneath the windshield wiper. Darn bureaucratic meter maids! Don't they read *INQUIRY?*

KEVIN NELSON
San Francisco

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NAT HENTOFF

The CIA as editor

MARK LYNCH IS ON THE legal staff of the American Civil Liberties Union Foundation, and among his clients is former CIA agent Frank Snepp—who wrote a book, *Decent Interval,* without first getting official clearance of its contents from the agency. The CIA, pointing to a contract Snepp had signed promising that he would give the agency prior review of his writings concerning it, had taken Snepp to court. After losing in two lower tribunals, Snepp had asked the Supreme Court to review his case.

On the morning of February 19 of this year, Mark Lynch was walking up the steps of the High Court on other business when a reporter stopped him with the news that a decision had just come down in the Snepp matter. Lynch was stunned. He had not yet been given a chance to file a formal brief, and there had been no oral arguments. In one sudden move, the Court had simultaneously granted Snepp's petition for a hearing and also decided the case.

When Lynch read the unsigned majority decision of six of the justices, he was even more startled. In its haste to punish Snepp for breaking his secrecy agreement with the CIA—and to deter others from following his example—the Court went far beyond the facts of this particular case, far beyond the sanctity of the CIA's employment contract, far beyond any statute now on the books, and far beyond Snepp himself. Not that Snepp was ignored. The Court not only upheld the legality of the CIA's secrecy agreement—discarding Snepp's First Amendment right not to be censored by his government before publication—but also ruled that Snepp must turn over to the government all his earnings from the book, every penny.

Yet, onerous as this judgment is for Snepp, the sweep of the majority opinion casts a secrecy dragnet over many other government employees. And in the process, the Supreme Court has gone a long way toward enacting—even though it is not a legislature—the first Official Secrets Act in this nation's history. (In Britain, where there *is* such a network of secrecy statutes, the British press, let alone government employees, is greatly constrained from disclosing what the government does not wish to have disclosed. For instance, had there been a British Watergate, hardly any of that story could have been reported in Britain because far too much "confidential information" from government sources would have been involved.)

Here is how the Court indulged itself in what dissenter John Paul Stevens has called an "uninhibited exercise in lawmaking" that tears great holes in the First Amendment. Or, as Stevens also said, "The Court seems unaware of the fact that its drastic new remedy has been fashioned to enforce a species of prior restraint on a citizen's right to criticize his Government."

First of all, the High Court emphasized that while secrecy contracts are valid, they are not necessary to justify governmental censorship of employees. Even in the absence of such an agreement, the majority ruled, those having "access to confidential sources and materials" can be placed under the same kinds of restraints as Frank Snepp. The reason: "The Government has a compelling interest in protecting both the secrecy of information important to our national security and *the appearance of confidentiality* so essential to the effective operation of our foreign intelligence service." (Emphasis added.)

But the Court went much farther than even that. Prior restraint can be exercised against government workers who have nothing to do with national security confidences. So long as a government worker is in a relationship of trust with his agency or department, his First Amendment rights are now substantially diminished.

HOW DOES THIS BECOME law-making by the Court? Because there are no statutes authorizing the kind of prior restraint imposed by the CIA, let alone by any other agency that is not involved in national security operations. With one exception: The Atomic Energy Act, which the government tried to use in the *Progressive* case, does allow the attorney general to go after an injunction, before publication, against disclosure of atomic energy information. But that's the only law that gives the government authority to try to prevent publication. There are some statutes that punish the release of certain material (diplomatic codes, for instance) *after* it's printed, but that's not the issue here. Nor is atomic energy information the issue here.

Indeed, as Mark Lynch notes in a futile petition to the Supreme Court for a rehearing of the *Snepp* case, the government, in all the litigation to this point, has not cited a single statutory basis for either "judicially enforceable secrecy agreements" or "constructive trusts." (The latter is the device whereby Snepp is now forced to hand over all his royalties in order, the Court's majority scornfully notes, "to disgorge the benefits of his faithlessness.")

So, lacking a statutory foundation for its decision, the Court simply legislated one. And once having done that, it went on to greatly broaden the power of government to silence its employees. By stating that anyone in government in a position of trust is potentially affected by the *Snepp* decision, that ruling encompasses hordes more than those working in the dozen government agencies that already make their employees sign various secrecy agreements and the thirty or so agencies that currently have the authority to classify documents for "national security" purposes. Also in the secrecy dragnet now are all present and former government employees who are entrusted with confidences.

No Court decision in American history has so imperiled whistle blowers and, thereby, the ability of all citizens to find out about rampant ineptitude and corruption in agencies purportedly serving them. There is always the hope, of course, that the Court will reconsider the appalling breadth of its decision, but the angry righteousness of the language of the majority makes that possibility doubtful—for our lifetimes, anyway.

What it comes down to, as Mark Lynch says in his petition to the Court for a rehearing, is that "It is fundamentally unreasonable to place the power of

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censorship in the hands of those who may be criticized and embarrassed by publication." He is referring to the CIA, but the truism could ultimately apply to the local waterworks.

As whistle blowers are affected, so is the press. Under the lower court injunction upheld by the Supreme Court, not only Snepp is bound to yield to the CIA as his first editor, before anyone else sees any manuscript of his dealing in any way with the agency; also bound is anyone acting in "active concert or participation" with him. Therefore, if a book publisher or a magazine editor were to print anything by Snepp that the CIA had not initially approved, he too would be liable to a contempt ruling if the CIA secured an injunction. And he could go to jail, however loudly he proclaimed his First Amendment right to publish free of prior restraint. (The same strictures would apply to anyone publishing a manuscript by any past or present government employee in a position of trust.)

It turns out, by the way, that when the CIA went after Snepp because he didn't clear *Decent Interval*, the agency was also seriously considering a suit against his publisher, Random House. Now, in view of the High Court's mighty encouragement of government secrecy, it is likely that such lawsuits will be filed against balky publishers in the future.

*WHY DID THE COURT BE*come so furious at Frank Snepp that it roared ahead, without briefs and without oral argument, to create what could well become a pervasive Official Secrets Act? In the view of lawyers and reporters familiar with the justices' present temperament, it would appear that this case gave them a chance to release at least some of their vengeful fury about the revelations of their private prejudices and infighting in *The Brethren*. This decision, after all, certainly covers Supreme Court clerks, who so clearly are in a position of trust and receive all kinds of confidences.

Back in 1971, Warren Burger, in his dissent in the Pentagon Papers case, said: "No statute gives this Court express power to establish and enforce the utmost security measures for the secrecy of our deliberations and records. Yet I have little doubt as to the inherent power of the Court to protect the confidentiality of its internal operations by whatever judicial measures may be required."

Then came Woodward and Armstrong. Now, writes Fred Barbash, who covers the Court for the *Washington Post*, "The *Snepp* opinion may have been the first [such] judicial measure" in Burger's term. And Bruce Fein, a Court expert at the American Enterprise Institute, thinks *Snepp* is a reaction to *The Brethren*. "I can't say that conclusively," Fein notes, "but in the procedure used by the Court, the decision reflected a kind of instinctive hostility" that was hardly customary for the justices.

Whatever the motivation, the majority's decision was so heated as to lead to quite confused reasoning. For instance, a footnote mocks the assertion by the three dissenting justices (Stevens, Marshall, and Brennan) that "censorship" is involved here. Not so. All that is required, says the majority, is "no more than a clearance procedure subject to judicial review." The CIA has to make its editorial excisions within thirty days, and if the author and publisher object, they can find a judge to be a kind of appellate editor.

Procedure in the Snepp case reflected a kind of 'instinctive hostility' hardly customary for the justices.

As Random House could have told the Court, by virtue of its previous bitter experience in publishing books that actually were "cleared" by the CIA, the procedure is not like that at all. As a Random House official told me, "The CIA is unreasonable to deal with and unrestrained in its use of the censor's stamp. Yes, they make their cuts in thirty days, but then we argue back and forth. That can take months, sometimes years. So, if it's a timely book that has to be published quickly to make its maximum impact, it'll be out of date by the time we win—if we win. And that, of course, is what any government agency wants. Delay the muckraker, and nobody will care much by the time his book finally straggles out."

Even before the "clearance" process starts, as Justice Stevens said in his dissent, the mere fact that a writer has to submit a manuscript for government review prior to publication "is bound to have an inhibiting effect on an author's writing."

Furthermore, if the writer and the publisher do not agree with the editing by the CIA (or any other agency), going to court is expensive. Even a Random House can't take that route too often without getting stony looks from accountants in the employ of its corporate owner. And a small publishing house or magazine can be wiped out by a couple of lengthy jousts with government "editors."

MOST FUNDAMENTALLY, and alarmingly, the *Snepp* decision—in its impact on writers, publishers, and readers—seriously undermines the fundament of the First Amendment. As the eighteenth-century Americans who wrote the Constitution agreed, "no law abridging the freedom of speech, or of the press" meant, above all else, no prior restraint of the press by government. And this quintessential liberty has been reaffirmed in many Supreme Court decisions, as when Warren Burger declared in *Nebraska Press Association* v. *Stuart* (1976): "Prior restraints on speech and publication are the most serious and the least tolerable infringement on First Amendment rights."

There were, to be sure, two cracks in that foundation: The High Court had refused, in 1972 and 1975, to review lower court decisions permitting prior restraint of former CIA agent Victor Marchetti. But those cases involved classified material, and the Court, by simply denying review, did not speak directly to the issue. A very strong First Amendment argument can be made against prior restraint of even classified information—particularly in view of the government's penchant for classifying everything at hand. But that was not the issue in *Snepp*, where the CIA stipulated that his book *Decent Interval* contained *no* classified material.

Nevertheless, in *Snepp* the Court went ahead and set up an astonishingly wide-ranging precedent for prior restraint of all kinds of information, classified or not. The Court has legitimized what Robert Bernstein, head of Random House, accurately calls "a free-floating concept of censorship" that is precisely what Madison, Jefferson, and others of the founders fought against most fiercely. And thought that they had defeated.

Not long after the decision came down, the CIA informed Frank Snepp of yet a further constriction on his First Amendment rights. This regulation had been formulated in September 1979, but somehow had not previously been sent to the hapless Snepp. Perhaps the CIA

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had been waiting to see what the Supreme Court would do, and having experienced so great a triumph, decided to stretch its victory.

The new encumbrance reads: "Agency employees and former employees under the terms of their secrecy agreements must submit for review . . . all writings and scripts or outlines of *oral* publications intended for nonofficial publication, including works of fiction, which make any mention of intelligence data or activities. . . . Submission . . . will be made prior to disclosing such information to anyone who is not authorized by the Agency to have access to it." (Emphasis added.)

In this context, what does "publication" mean?

It means, says the CIA, "communicating information to one or more persons."

Therefore, if Snepp is to give a lecture or a prepared talk on radio or television, or a long, structured interview to a reporter, he must first clear what he is going to say with the CIA.

And should the CIA not approve of what he is going to say, and enjoin him from saying it by means of a court injunction, not only Snepp is vulnerable to prosecution if he goes ahead anyway. Conceivably, a TV producer and interviewer, or a print reporter, in "active concert or participation" with Snepp could also be in serious trouble.

I asked Alan Dershowitz, a veteran constitutional lawyer who is one of Frank Snepp's attorneys, if he knew of any precedent for placing oral remarks under so formalized a prior restraint. Dershowitz said he did not.

Snepp, shaking his head, was listening in. "What if Frank just doesn't prepare any of his oral remarks?" I asked Dershowitz. "What if he always answers spontaneously when he's on the air or talking to a newspaper reporter?"

"Isn't it extraordinary in this country to have to ask that kind of question?" Snepp broke in.

Dershowitz said it was too soon to tell how the CIA and the courts would deal with the "spontaneous" approach. "Anyway," he turned to Snepp, "it may be that from now on, you'll always have to be unprepared when you speak."

Meanwhile, Frank Snepp has finished a novel that has to do with his years in intelligence. Nobody at Random House can see it until the CIA examines it. "This," says Snepp, "must be the first novel in American history that is enjoinable in advance."

Thanks to the Supreme Court, it will not be the last. ❑

THE THERAPEUTIC STATE

LARRY BUSH

Borderline homophobia

NELSON DONG, DEPUTY associate U.S. attorney general, was agitated as he paced around his desk at his Washington office. Since last August it has been his job to wrest out rationales for the Justice Department's policy that "suspected homosexuals" were "psychopathic" and are thus barred from entering the United States. "Congress can decide whatever it wants," Dong said finally. Like most lawyers, he searches for a precedent: "It's like the tomato," he says earnestly. "Scientists say it is a vegetable, but Congress considers it a fruit in the law."

The comparison probably would have brought broad smiles to the faces of officials at the U.S Immigration and Naturalization Service, which currently is embroiled in a controversy over how to enforce the exclusion of homosexuals.

The process, notes Carl Wach, assistant INS commissioner for examinations, is not complicated or time-consuming: "When you only have fifty seconds to eyeball people, you just have to go on what you see. You look at the way they dress, whether they wear makeup or have a lot of jewelry." Using such criteria, Wach's agents selectively pull entering foreigners out of the lines at U.S. border points and begin asking questions. The purpose of these interrogations is not solely to uncover any homosexual experiences, but also to discover any homosexual thoughts. "It is very important to remember that homosexuality is not a way of acting but a way of thinking," reads a Board of Immigration Appeals ruling. Driving the point home, the ruling continues: "Homosexuality is a way of thinking because an individual can be homosexual and never perform an act."

For border officers, the ruling has been a charter to probe into the most intimate feelings of foreigners who do not conform to their image of masculinity or femininity. The burden of proof is entirely on those seeking to enter the United States, and failure to convince the border patrol that one is not homosexual can mean not only denial of entry, but a stamp in one's passport labeling the individual as "sexual deviant," and permanent blacklisting from entering the country.

For recalcitrants, INS reserves the same treatment that it gives drug smugglers and suspected espionage agents. Suspected homosexuals have been held incommunicado, interrogated about sexual attitudes for hours, and harassed by strip searches and investigations of their body cavities, under observation by armed guards.

All this, as the INS points out, is legal, since constitutional rights are not afforded individuals until they have been formally admitted into the country. In any event, the INS claims the number of exclusions is so low—fewer than thirty-eight in the past seven years—as to be negligible. But it is becoming increasingly clear that INS records are purposely skewed to exclude persons who "voluntarily" withdraw applications for entry after undergoing interrogation. A top Washington INS official admits privately that the total number of exclusions on grounds of homosexuality runs into the "thousands" each year when these instances are included.

THE LACK OF CONSTITU- tional safeguards, however, is unlikely to provide solace to INS officials much longer. Foreign governments now are suggesting that INS actions constitute a violation of the Helsinki Accords on human rights and are promising to embarrass the United States at forthcoming international meetings.

The Justice Department officially dates the exclusion of homosexuals back to the U.S. Immigration and Nationality Act of 1952, although gays were being barred from entry and deported long before that time. In 1949, for exam-

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ple, a Polish citizen who had resided here for more than thirty years was deported to a less-than-hospitable Communist Poland after it was discovered that twelve years earlier he had been convicted of solicitation.

The 1952 law pulled together the greatest restrictions ever placed on entering foreigners—under the guise of "opening America's doors." It barred polygamists, in response to fears about a Mormon practice that had ended in 1890; anarchists, in response to Archduke Francis Ferdinand's assassination in 1914; and twenty-nine other categories, including Communists and persons "afflicted with psychopathic personalities or mental defect"—including homosexuals.

As one legislator later noted, the inscription at the base of the Statue of Liberty, "Give me your tired, your poor, your hungry, your huddled masses yearning to be free," might as well have provided the criteria for exclusion under the 1952 law.

The hysteria of the 1950s, which served as a pretext for protecting the United States from infiltration by Communist sympathizers, also was the heyday of antihomosexual policies. Senator Joseph McCarthy periodically announced not only the number of Communists in government, but also the number of "perverts" on government payrolls. Leaders of a nascent gay rights organization were called to testify before the House Un-American Activities Committee and jailed for noncooperation. The State Department submitted an annual report to Congress on how many "perverts" had been dismissed. Public sentiment that year had become so inflamed that a New York City man won a mistrial after a witness suggested the defendant was a homosexual. "No accusation could have been more degrading in the eyes of the jury," the judge ruled, ignoring the fact that the man was on trial for treason.

This ostracism of homosexuals was implemented for the most part by the medical profession. A diagnostic category had been created to accommodate homosexuals, and liberals proclaimed that gays were sick rather than merely criminal. The early fifties was the last period when lobotomies were used to "cure" homosexuality, but the use of shock treatments lingered on for two more decades and other "therapeutic" techniques are still being used.

When Congress turned to the U.S. Surgeon General and the Public Health Service for recommendations on U.S. immigration laws, assurances were given that a medically based exclusion was sufficient to bar homosexuals. As a compassionate gesture, Congress included a stipulation that homosexuals could enter who had been "cured" or who required treatment in this country.

Given the many obstacles homosexuals faced at that time, it is not surprising that the immigration law was not challenged until the early 1960s. A gay foreign resident challenged a deportation order in federal court on the ground that "psychopathic personality" was an incorrect medical diagnosis for homosexuality. Psychiatry, the plaintiff contended, had advanced to the point where doctors preferred the term "sexual deviation" to describe homosexuality. The court ruled against the INS, and for a while it appeared that the ban on gays was unenforceable.

THE TIMES, HOWEVER, had not changed. In 1965, while Congress was rewriting the 1952 act, the U.S. Surgeon General recommended that the medical exclusion be used to bar homosexuals. That could be done, he said, by adding "sexual deviation" after "psychopathic personality" to the list of exclusionary categories. With Senator Edward Kennedy as floor manager, the law was amended accordingly. Two years later, in 1967, the case that prompted the revision reached the U.S. Supreme Court, which ruled that Congress in any event intended that "psychopathic personality" encompass homosexuality.

The INS chief would've halted exclusion of gays except for the 'Anita Bryants around here.'

That seemingly ironclad conclusion started to unravel in 1973, when the medical profession finally admitted that homosexuality was not in fact a mental illness. Their decision to remove homosexuality from the list of psychiatric diseases led to meetings of the INS, the surgeon general, the American Civil Liberties Union, and the National Gay Task Force to discuss an end to enforcement. For the next three years the four groups skirmished over the issue with no visible results, and the surgeon general continued to direct his medical staff to use a "medical diagnosis" for homosexuality, despite the new standard established by the psychiatric profession.

In 1977, however, Dr. Julius Richmond, appointed U.S. Surgeon General by Jimmy Carter, undertook a full review of the question and concluded that there was no medical basis for a "diagnosis" for homosexuality and that gays could no longer be barred under the medical exclusion. When Richmond notified the INS of his plans to withdraw his support for the traditional exclusion of homosexuals, he was jolted back into line. In a stiffly worded memo, INS general counsel David Crossland opined that Richmond lacked the authority to decide if homosexuality were an illness. "It is clear that Congress meant to exclude homosexuals," Crossland wrote, without reference to the surgeon general's role in that decision. "Medical officers of the Public Health Service would nevertheless have a legislative mandate to execute. This is a legislative rather than a medical determination." In deference to gay complaints that INS officers were ignoring the requirement of medical evaluations anyway, Crossland stipulated that exclusions could be made only on the basis of the medical diagnosis as established by Congress.

Richmond was disgruntled but retreated. This prelude, however, set the tone for both agencies when one year later British photographer Carl Hill was turned back at San Francisco International Airport because he was wearing a Gay Freedom Day button. Hill's lover, who had been formally admitted only moments before, secured the help of Gay Rights Advocates who immediately sued Richmond for applying non-medical standards to a medical problem.

Richmond, still unable to get the INS to end enforcement, went to his own superiors at HEW and convinced them that the PHS could act unilaterally. He drafted instructions to the medical staff of the PHS declaring homosexuality no longer a mental illness and ordering an end to their "diagnosing" it. He also signed an out-of-court agreement to that effect. The INS, as a Senate staffer who oversees that agency noted, "is not the kind of agency that likes to roll over and

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play dead." In response to Richmond's actions, they went to the top levels of the Justice Department and succeeded in gagging Richmond's lawyer before the attorney could agree to the new approach. When word of the dispute between the two agencies leaked, the INS told reporters that they would sue Richmond if he tried to withdraw his medical officers from determining homosexuality for exclusion purposes.

That was the last straw for Richmond, who could not understand why the INS continued to enforce the exclusion against homosexuals. His associates said later that he was "fed up" with the INS's enthusiasm for the provision. Ignoring the threat of a lawsuit, Richmond formally signed his proposed directive, ending his participation in the Hill case and all future cases. Richmond still refuses to discuss his decision, but aides credit him with courage in making it, particularly in light of the silence from the medical associations that had first encouraged the use of a medical diagnosis to exclude homosexuals and then left the PHS to do the diagnosing.

THE LEADING EXCEPTION was John Spiegel, who as past president of the American Psychiatric Association had led the fight in 1973 to remove homosexuality from the list of psychological disorders. Spiegel entered affidavits in the Hill case, terming the use of medical examinations "the misuse by doctors of medical standards for political purposes. This is an example of inappropriate and unwarranted utilization by the government of the medical profession to make political or social decisions."

Spiegel was joined by several other psychiatrists particularly interested in homosexuality, but the medical associations as a whole did not address themselves to the INS exclusions or the questions raised thereby about psychiatry's role in stamping homosexuality as a pathological condition for the purposes of immigration law.

"The American Psychiatric Association," said Dr. Henry Work, deputy medical director of the association and former director of NIMH and former assistant U.S. surgeon general, "doesn't go out and actively go after many things, other than maybe getting psychiatry covered under health insurance."

"You are taking the position that we have the responsibility to rectify all the past acts of man," Work said in response to criticism of his group's silence. "I feel we have a real responsibility, but not a guilt trip responsibility."

Since Richmond withdrew his directive ending the PHS's role in diagnosing visitors as homosexuals, INS did not sue. But it did change tactics, deciding to forgo medical evaluations and rely on determinations by its own border guards. Almost to prove its mettle, the INS tried to turn back two Mexican citizens less than twenty-four hours after Richmond issued his order of noncompliance. Again, the incident took place at the San Francisco airport.

The evidence that the two visitors were homosexual, the INS said, was that one man wore an "ear ring," and the other carried a "purse." Examination of their luggage turned up an address book with an "excessive" list of men's names. In a futile effort to avoid publicity the INS held the men incommunicado, until friends and reporters pushed in the door to the room where the men were held.

The reaction in San Francisco was more than the INS expected. Gays were looking for a way to flex their political muscle following the trial of Dan White for the murder of Mayor George Moscone and gay Supervisor Harvey Milk. City officials, chafing under charges that they had been lax in defending the gay community and fearing a loss of political support from the city's homosexuals, were looking for a way to be supportive.

Within days, the city's Board of Supervisors and its acting mayor had signed statements opposing the INS's action; this prompted a number of California members of Congress, including House majority whip Phillip Burton, also to object.

Leonel Castillo, then INS commissioner, was the first to feel the effects of these protests. He had planned to resign and run for office in his home city of Houston. When he checked with political allies there, he learned that Houston also had a powerful gay community whose support he would probably need. On top of that, Representative Mickey Leland, a Houston Democrat, signed a letter of protest to Castillo over the actions of his agency. Three days after talking with Houston leaders, Castillo signed an order temporarily halting the exclusion of gays. He told one reporter he would have ended the exclusion altogether except for Crossland and "the Anita Bryants around here."

Castillo's actions were not popular with his agency. Only two weeks after Castillo's order, border guards at Port Huron, Michigan, ignored the directive and in the course of three days turned back fifty-five women, the largest and most stunning enforcement effort mounted against homosexuals. Later, INS officials said their guards had been "in error" because they had not received a directive allowing such action. Instead of being turned away, the women should have been permitted the option of entering on a "deferred" basis until the INS could come up with a nonmedical "examination" for homosexuality.

BILL OETINGER

No effort was made to apologize, however, for what actually happened at Port Huron. The action provided a rare glimpse into how the INS handles its responsibilities. The service claims it had learned that a women's music festival nearby would draw a substantial

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number of lesbians, and that this threw suspicion on women crossing the border singly or with other women. Those singled out by the "eyeball test" were asked about their sexual experiences and attitudes, including whether they had negative attitudes about homosexuality, whether they "enjoyed" sex with men, and whether they ever enjoyed "sleeping" with women. Women traveling together were asked, "Who is the male and who is the female in your relationship?" "Why are you traveling with other women?" and "Have you ever carried a purse?" Only one of the fifty-five women turned away ended up on the INS's official records, however, because the rest "voluntarily" withdrew their applications, some after being held for hours and separated from their children for more than a day.

The incident was significant from another standpoint as well. No longer could the INS maintain that exclusions were limited to "militant homosexuals" who would challenge American laws. Obviously the exclusions were primarily determined by overzealous border guards eager to express distaste for homosexuality.

SCANT ATTENTION HAS been paid to INS policy in this country, beyond editorials, but it has captured attention in Europe. In the Netherlands, 133 members of the Dutch parliament signed a letter of protest to the U.S. Congress, and the Dutch foreign ministry has now formally announced that U.S. policy is "incompatible with human rights." Similar initiatives are underway in Sweden, and observers expect that Denmark, Norway, West Germany, and possibly France may join in the condemnation.

Those protests already have resulted in the first discussion of gay rights at a meeting of the United Nations: In February Dutch representatives condemned the U.S. policy at the UN Commission on Human Rights meeting in Geneva. The U.S. representative, in an "impromptu" response, admitted that the law violated basic human rights, but turned the issue around by asking all UN members to be prepared to discuss progress on gay rights at next year's commission meeting. Such an effort, particularly on the initiative of the United States, would be unprecedented.

Dutch officials were not mollified by the American response in the UN or in Washington, however, and they have announced that they will bring the issue of INS harassment of homosexuals to the Council of Europe. (This tactic was used by the United States in past human rights maneuvers against the Soviet Union and Iran.) And the subject will once again be raised at the November meeting in Madrid of those nations that signed the Helsinki Accords. The United States has already been held in violation of the guarantees of free travel for its ban on entry of foreign communists, which brought forth a request from President Carter to Congress for a revision.

In Washington, no real action on the issue is likely until 1982 when the Select Commission on Immigration and Refugee Policy will present its final recommendations for amending the 1952 immigration act. The commission has held hearings on the question of exclusion of homosexuals, but has been warned by members of the judiciary committees of both the House and Senate that any attempt to deal separately with the question of homosexuals and the INS would probably be defeated. Some members of Congress disagree, however, and twenty now are cosponsoring an amendment to the 1952 act that would end the exclusion. Representative Anthony Beilenson (D-Calif.), chief sponsor of the measure, believes that the issue can be dealt with, not in terms of gay rights as such, but on the basis of discrimination and basic fairness. Pressure from foreign governments, his office says, also might bring support for changing the immigration act from the Carter administration.

Meanwhile, Nelson Dong is working on yet another ruling on how to handle homosexual exclusions. A December 10 opinion from the department's Office of Legal Counsel suggested that enforcement was required even without medical participation. It is still unclear whether the Justice Department will tighten the reins on INS guards in order to prevent a repetition of the excesses of the past year.

FOR SOME, HOWEVER, ANY decision will come too late. In Washington, a ranking official in a politically sensitive position recalled what happened when he tried to bring his Brazilian lover into the country. INS officials, he said, closely questioned his friend, while carefully examining his luggage. When love letters between the two men were found, the INS photocopied them, effectively silencing the American partner who feared exposure. The Brazilian was then made to walk a line in front of fellow passengers and border officers "to see if he minced." INS guards voted that he had indeed minced, the notation "sexual deviant" was written in his passport, and he was sent back to Brazil on the next flight.

Or consider the case of Zenaida Rebultan, who lives in the Philippines. The Rebultan family began immigrating to this country nearly twenty years ago, until only Zenaida and two of her brothers remained. When they applied for visas at the U.S. embassy in Manila, a consular officer noticed Zenaida wore pants and had close-cropped hair. "Are you a tomboy?" he asked. She was referred to a psychiatrist who determined she was a lesbian.

That was more than two years ago, and now Zenaida remains alone in the Philippines. State Department officials have ruled she can enter only when she is "cured"—meanwhile claiming that it is "unfortunate" that she is caught up in an outdated law. Her family writes letters to anyone they think might help. But even a change in the statute, lawyers say, would have no effect on Zenaida or others barred under the terms of the 1952 law.

What may come out of all this is not just a change in the immigration statute, but a reexamination of how the American government has targeted homosexuals for "special" treatment. Implicit in any effort to deny homosexuals entry into the country is the notion that those with certain sexual preferences do not deserve the same rights accorded other Americans.

Equally important may be the recognition that human rights also means rights for homosexuals. The United States is nearly alone in the way it handles gay would-be visitors. And America's immigration policy has resulted in the first effort by the international community to address the question of equal rights for homosexuals. Gay groups now are testing just what policies exist that discriminate against them both in this country and abroad. Sometimes, as in Canada recently, the results show how far awareness of our domestic discrimination extends.

A lesbian wearing a Gay Freedom button similar to the one that resulted in the exclusion attempt against Carl Hill sought entrance to Canada. She also carried gay literature. The Canadian border guard smiled pleasantly while looking the material over, and stamped the woman's passport for entry. "I hope you have a pleasant visit," the guard told the activist. "Does it matter that I am a lesbian?" the woman said, intent on some response. "No," said the guard, "this isn't America." ❑

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DISPATCH

J. GUS LIEBENOW

Sergeant Doe's Liberian coup

THE APRIL 12 ASSASSINATION of President William R. Tolbert by a detachment of troops under the command of Master Sergeant Samuel K. Doe appears to place Liberia in the mainstream with other African states that have experienced military coups. Yet in certain respects Liberia is *sui generis*. Independence, for example, came in 1847, more than a century before fifty other states in Africa achieved independence from European colonialism. Founded in 1821 as a refuge for freed persons of color from the United States, it became the only African territory to have sustained governmental and private links with the United States. Today it is the only African state having a mutual defense agreement with this country. Superficially at least, its constitution, political system, flag, and religious values are modeled along American lines. The U.S. dollar is its unit of currency, and a substantial portion of the capital in the Liberian economy still comes from American investments in rubber, iron mining, and other enterprises.

Liberia is unique, too, among African states in that the nationalist revolution has been so long delayed. The Gola, Vai, Kpelle, and other tribal people who constitute more than 95 percent of the population, although nominally spared colonial rule, insist that they and their ancestors have indeed undergone colonial subjugation. They regard as their "colonial" masters the 5 percent of Liberia's 1.5 million people who trace their ancestry to, or identify with, Liberia's founding as a refuge for freed slaves. The Americo-Liberians, as this elite is called, maintain strong solidarity based upon common ancestry, acceptance of Christianity, commitment to a system of private ownership in which political power rather than business ability predominates, and participation in the True Whig party. This cohesiveness has enabled the Americo-Liberians to control the pace of change.

During Liberia's early history, only the U.S. Navy kept the heavily outnumbered settlers from being tossed into the sea by the indigenous tribal people. In later decades, American diplomatic efforts prevented the fledgling republic from being totally absorbed by the competing colonialists in West Africa, the British and the French.

The longer-term threat to Americo-Liberian authority was internal. From the start the Americo-Liberians had obtained the land of the natives through "purchase" at gunpoint and other questionable transactions, through the conversion of treaties of friendship into deeds of Americo-Liberian ownership, and through conquest. The first strategy in coping with the challenge from the native peoples was to insulate the tribal hinterland from external economic, missionary, and other influences. The Americo-Liberians also coopted the traditional tribal chiefs and emulated the British policy of indirect rule. The third element in the control strategy was the maintenance of Americo-Liberian solidarity against dissidents in their own midst who might be tempted to form alliances with tribal dissenters. Political solidarity was maintained by the creation of Africa's first single-party state, under the True Whig party, which has monopolized politics since 1877. And economic activity was subordinated to politics, so business opportunities went to those who were astute politicians; not the reverse.

When the economic exploitation of the interior began after World War II, the primary entrepreneurs were expatriate Americans, Europeans, and Lebanese—which was safer for the True Whigs since aliens were not in a position to develop a political base in the country. The tribal people participated in the new economy largely as unskilled or semiskilled laborers, and the government actively blocked the creation of economic cooperatives by tribal people and prevented their going into retail trade. The families of the Americo-Liberian ruling class disdained active participation in commerce and industry for themselves, but they gathered the benefits of development through shares in companies, memberships on boards, scholarships for study abroad, and even outright extortion. Liberia's independent businesses and rubber farms were invariably owned by absentee politicians who left the management of the concerns to West Indians or even non-Liberian Africans.

Of particular importance, the Americo-Liberians maintained social solidarity through various Christian churches and the Masonic Order, and, even more importantly, through the operation of the familial network. An elaborate pattern of marriages, divorces and remarriages, and informal sexual liaisons had made the Americo-Liberian community a complex of extended families. Jobs in government or the diplomatic service were distributed among the relatives of the leading Americo-Liberian patrons. The shuffling of positions often reflected the rise and fall in the standing of a patron, and divorce and remarriage to improve one's political and social standing became commonplace. Most enterprising young tribal persons who received positions in government had either been "adopted" by one of the Americo-Liberian patrons or had acquired an Americo-Liberian spouse.

The Americo-Liberians had obtained land from tribal people through 'purchase' at gunpoint.

THE INAUGURATION OF William V. S. Tubman as president in 1944 signaled a change in the means and extent of Americo-Liberian control over the tribal majority. This change involved, in part, a recognition of the difficulties of insulating the tribal hinterland from the demands for social, economic, and political change emerging elsewhere in West Africa. It also coincided with the discovery of high-grade iron ore in Liberia. An Open Door policy regarding foreign investment and exploitation of natural re-

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sources was a calculated risk, but Tubman elected to swim with, rather than be swamped by, the tides of change. The tribal area would undergo major transformation, but the new revenues and roads would provide more effective means for political control and continued Americo-Liberian domination.

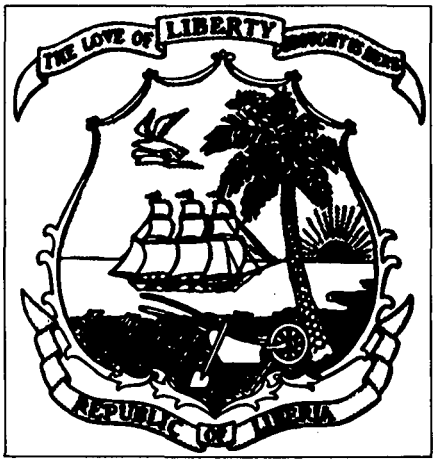
Much of the advertised economic, political, and social reform under Tubman was cosmetic, and actually deceptive. As power began to be shared formally, with tribal people in the legislature, real power gravitated to the all-powerful presidency. New roads meant new jobs for tribal people, but also made it easier to collect taxes and "recruit" labor, and they helped Liberian officials to accomplish one of the most massive land grabs in African history. Schools and foreign scholarships, it is true, raised the expectations of tribal youth; the sad awakening came when they found the jobs already filled by foreigners or those with proper Americo-Liberian credentials. For every tribal person appointed to a cabinet post or a judgeship, at least ten persons were appointed because they had the proper family connections within the Americo-Liberian group. Although it had become respectable to wear traditional dress, to reassume a tribal name, or even to embrace Islam, real economic and political power continued to lie beyond the reach of most tribal persons.

Under Tubman's successor, William R. Tolbert—his vice president for twenty years—the bitterness of the tribal experience reached a crescendo. Expanded government and business enterprises had provided new opportunities for tribal youth and poorer Americo-Liberians—but invariably at levels far below their expectations.

At the time of his inauguration in 1971 most analysts considered Tolbert an interim president. He was too closely identified with the Americo-Liberian community; he was reserved and humorless; his relations with tribal persons were minimal; and the blatant greed of his family—particularly his brother, Secretary of Commerce Stephen Tolbert—associated the new president with the interior land grab and the monopolization of private businesses by Americo-Liberians.

But the leopard did change his spots. He adopted open-necked jackets instead of formal business suits, he strained to become folksy like his predecessor, and he became very visible around the country. His acceleration of Tubman's rural local-government schemes created new government posts and offered new opportunities for legal disputes; this, in turn, provided new outlets for educated tribal youths, who attached themselves to Monrovia-based lawyers. He tried to downplay the more offensive symbols of Americo-Liberianism, such as the national motto, "The Love of Liberty Brought Us Here"—which implied that the nation's heritage included only the experience of the freed slaves, and not the history of the native tribes. He even assumed an activist role in the campaign for southern African liberation, which won him election as president of the Organization of African Unity.

Unfortunately for Tolbert, he frequently vacillated, and his efforts at reform often appeared contrived and insincere. Escalating prices, the failure to create new industries to solve the unemployment problem, and the continuing dependence on foreign workers plagued his economic programs. It was an economic protest—the demonstrations and riots over a 50 percent boost in the price of rice, on April 14, 1979—that signaled the beginning of the end. Economic discontent underlay the frontal assault on Tolbert's failures at political reform. Appointments of tribal persons to the



cabinet or the court were still largely token in nature. Flagrant abuses of the public trust by Americo-Liberian officials often brought only a slap on the wrist, or even promotion to a generous sinecure. The corruption of the Tolbert family and other members of the elite rose sharply each year of his presidency.

Tolbert became increasingly sensitive to personal criticism, and when the prospect of formal opposition to the True Whig party emerged, he wavered aimlessly between conciliation and repression. The president increasingly favored the latter response, however; journalists and pamphleteers were prosecuted, universities closed, political opponents jailed, and troops used to put down labor disorders. In the demonstrations on April 14, 1979, the police panicked and fired indiscriminately. When the smoke cleared, between forty and a hundred persons were dead and more than five hundred wounded, which precipitated uncontrolled rioting and looting in Monrovia. In response, the University of Liberia was again closed, dissidents all over the country were rounded up and jailed, and Guinean troops had to be brought in to restore order—which signaled both the weakness of the Whig regime and the gathering strength of formal opposition.

WITH THE APRIL 14 riots two political opposition groups came to the fore; a third was waiting in the wings. The first group was the Progressive Alliance of Liberians (PAL), which had been organized in 1975 by Liberians studying in the United States. Under Gabriel Baccus Matthews—a 1972 graduate of the City University of New York and minister of foreign affairs in the new Doe government—PAL advocated a form of pragmatic socialism reminiscent of Julius Nyerere's agrarian socialism. Appealing to students, workers, and peasants, it blended an appeal for a return to traditional values of cooperation with an insistence on distributive justice. It called for reform rather than dismantling of the existing economic structures—including an increase in domestic processing of Liberian natural resources—and elimination of the more invidious class and caste distinctions.

In the year between the rice riots and the April 12 coup, PAL engaged in a bizarre chess game with Tolbert. Matthews wrote an abject letter of apology from his prison cell; in return, Tolbert declared a general amnesty for the rice riot prisoners. When PAL attempted to register as a legal political party, a lower level judge tried to block the request. In the face of threatened demonstrations, Tolbert acceded to recognition of the party in January 1980; shortly thereafter PAL was reconstituted as the Progressive People's Party (PPP). One of its first acts was to call for a general strike to force Tolbert's resignation. The leaders of PPP were again jailed, and the party banned. Four PPP leaders went directly from jail on April 12 to accept cabinet appointments in the Doe government.

The second organized opposition group was the Movement for Justice in Africa (MOJA). Started in 1973 by Dr. Togba-Nah Tipoteh and other profes-

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sors and students at the University of Liberia, it sought a more drastic reshaping of national culture and transformation of economic and political structures. Its program included nationalization of major economic enterprises, confiscation of the illegal land holdings of the Whig oligarchy, punishment of corruption, and a more vigorous support of southern African liberation. Instead of waiting for the collapse of the regime, it had already organized mutual self-help groups in the urban centers and was planning worker-owned and -managed businesses.

Although MOJA preferred confrontation, strikes, and direct action rather than social democratic politicking, one of its members—Dr. Amos Sawyer of the University of Liberia—completely unsettled the Whig oligarchy last year when he announced as an independent candidate for mayor of Monrovia. Fearing Sawyer's popularity, the Whigs first tried to insist on rigid enforcement of the property qualification for suffrage, then decided to postpone all municipal elections until June 1980. Two of MOJA's leaders are in the Doe cabinet, and Sawyer is still running for mayor.

The third line of political development, namely, the politicization of the lower ranks of the army, only became clear on the morning Tolbert was assassinated. The senior officers were solidly Americo-Liberian: Indeed, in 1965 the chief of staff was no less than General George Washington, from the village of Virginia. At the enlisted level, however, a pattern of ethnic stereotyping and segregation was obvious in the assignment of tasks and the organization of units. Enlisted men and junior officers (many of them trained in the United States) had similar complaints about low pay, low prestige, and lack of modern equipment and effective training, so they made common cause. Particularly irksome was the use of the army in putting down mine workers' strikes and student riots. The action of Master Sergeant Doe on April 12 brought the dissent within the army into the open.

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WHAT DOES THE APRIL coup mean for Liberia's future? One interpretation dismisses it as the military's pursuit of its own narrow corporate interests. Apparently acting on their own, Master Sergeant Doe and his colleagues did not coordinate their efforts with those of civilian dissidents. One of their first acts, moreover, was to raise the minimum pay for enlisted men to $250, while leaving the minimum for civil servants at $200. Although the cabinet is a mix of civilians and military personnel, Doe reserved the key post of minister of finance for an army major. And the seventeen-member cabinet will be supervised by the seventeen-member People's Redemption Council, which consists entirely of noncommissioned officers, the majority of whom have tribal origins.

Any claim, however, that the April 12 coup merely "changes the name, but not the game," seems unjustified when one realizes the depth of the frustration and anger that have developed among the tribal people and the younger, poorer Americo-Liberians. The inclusion in Doe's cabinet of persons like Dr. H. Boima Fahnbulleh—who is a third-generation persecuted dissident—suggests that real changes will occur. Doe's ideology is not known. He has various models of African military leadership to emulate: the ethnically oriented Idi Amin of Uganda; the radical modernizer Siad Barré of Somalia; Flight-Lieutenant Jerry Rawlings of Ghana, who dealt quickly with official corruption before retreating to the barracks.

At a minimum, the vast landholdings and illegally acquired business enterprises of the ruling class will probably be confiscated. Although the question of legal ownership may be deferred, some redistribution of land to the rural peasants and the urban unemployed should be expected. The businesses and private plantations undoubtedly will still be run by the employed managers. The major foreign concessionaires such as Firestone Plantations and the Liberian-American Mining Company will have to up the ante if they are to remain in Liberia. This may well include mandatory cooperation with a program that leads to government ownership, expanded training of Liberian managerial and other skilled personnel, and more processing of raw materials in Liberia itself. Some foreign groups that compete more closely with existing Liberian entrepreneurs, such as the Lebanese merchants and mechanics (who, because of their economic success, were also denounced and harassed under the True Whigs), may be expelled.

Other than by distributing land, it will be difficult to quickly placate the unemployed urban migrants and the rural peasants. Slums cannot be transformed nor meaningful jobs be created overnight. It will be a remarkable feat, moreover, if the regime can raise the prices paid to farmers while at the same time reducing the prices in the urban markets. And how will the regime cope with the long-deferred demands for increased compensation by the middle-level bureaucrats whose support is essential to keeping the government operating smoothly?

It has been suggested that the new regime might tilt toward the Soviet Union in securing alternative aid. Given the extent of the American presence and the current mood of frustration about Iran and Afghanistan, however, this might be too risky. In any event Liberia's immediate neighbors would also be hostile to such a move. Not only is Liberia's eastern neighbor, the Ivory Coast, committed to Western-style development, but the neighboring radical regime of Sekou Touré in Guinea threw out its Soviet advisers more than a decade ago for political intervention.

In any event, probably too much was made of the fact that Master Sergeant Doe called in both the American and the Soviet heads of mission to announce the coup. Rather than paving the way for a Soviet base in West Africa to match those in Angola and Ethiopia, the new Liberian head of state probably intended to put both superpowers on notice not to intervene. Indeed, the American and other Western governments could probably serve their own interests and those of Liberia best by giving the Liberians time to decide the exact nature of their revolution.

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THY NEIGHBOR'S WIFE, by Gay Talese. Doubleday, 568 pp., $14.95.

Voyeurism as science

THOMAS SZASZ

THIS IS AN AMUSING book. Perhaps it could have been more than that, but it isn't. The basic trouble with it is that although Talese knows all there is to know about sex, he just doesn't understand what it's all about. He says that he wrote *Thy Neighbor's Wife* because he wanted to produce a "work that would reflect the social and sexual trends of the entire nation. . . ," and he characterizes the "tone" of his report as "non-judgmental." His tone is, of course, anything but nonjudgmental: He likes those who advocate the free expression of sexual images and impulses and dislikes those who advocate sexual censorship and restraint.

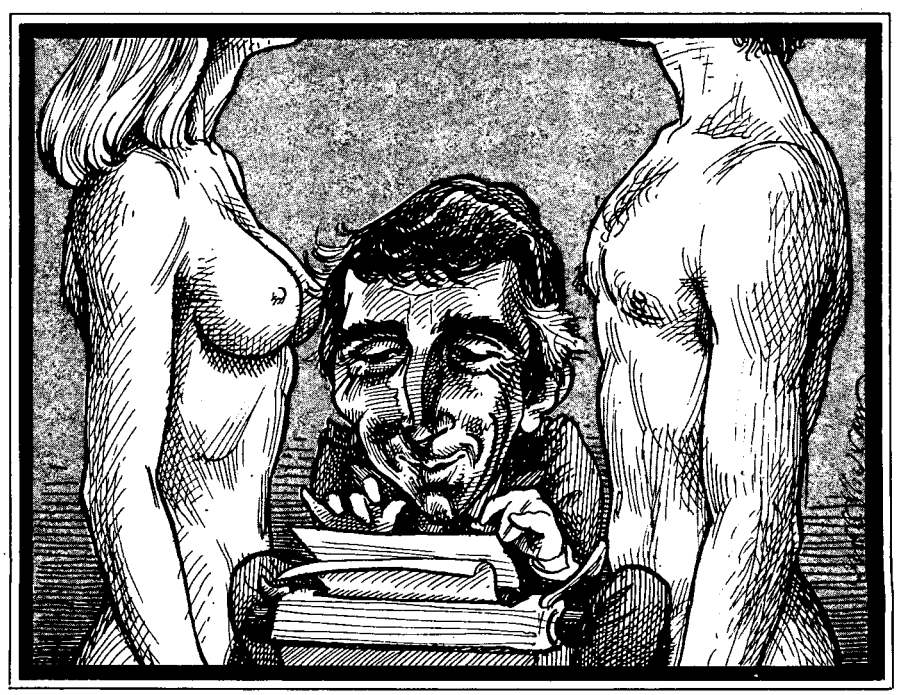
Human sexual behavior, like all human behavior, has a biological base, but, unlike animal sexual behavior, human sexual behavior is inexorably a cultural product. The "naturalizers" of human sexuality—à la Hugh Hefner and William Masters—tell us that because sex is a "natural function" it is good, and a good society ought to allow the greatest possible scope for its expression. Talese, who has been completely taken in by the notion that contemporary Americans are the beneficiaries of a vastly successful sexual revolution, believes this attractive, but absurd, proposition.

The situation, I am afraid, is a bit more complicated. Actually, what Talese's own "research" has revealed is that never before have so many Americans masturbated and copulated so much and enjoyed it so little. Why else would they need books instructing them about the *joys* of sex? Even the Victorians—not to mention our more remote ancestors—took it for granted that sex was pleasurable.

Anyone who writes about the sex lives of certain persons—especially if they are real, identified individuals—runs the risk of offending good taste, and Talese is no exception. I am (I believe) no prude, but I found this book to be morally distasteful. When the author includes, as Talese does, revelations about his own sexual experiences, one wonders what he hopes to achieve by means of that extra flourish of exhibitionism. In an odd last chapter, in which Talese refers to himself in third person, he offers us some clues about what went wrong with this book.

For five hundred pages Talese tells us sexual stories—mainly about men masturbating themselves to the visual paraphernalia supplied by the modern sex merchants and about men being masturbated by women in massage parlors (establishments that seem to hold a special fascination for Talese). Finally—calling himself "Talese," as if, like Hugh Hefner and Alex Comfort, he were one of the characters of his own book, which indeed he is—on page 522 Talese notes plaintively that although his sexual fieldwork seemed to entail much erotic activity, "his allegedly ideal assignment was frequently less pleasurable than other people believed." I believe him. Then comes what might be his quintessential self-revelation. "And what bothered him [Talese] even more," he writes, "was that after three years of research and many months of pondering behind his typewriter, he had been unable to write a single word. He did not even know how to begin the book. Nor how to organize the material. Nor what he hoped to say about sex that had not already been said in dozens of other recently published works written by marriage therapists, social historians, and talk-show celebrities."

AFTER SIX MORE YEARS OF "research" and pondering, Talese still had nothing to say about sex—but produced a book on the subject nevertheless. And that is what's wrong with *Thy Neighbor's Wife*. Discounting that defect, it's not a bad book. Certainly, it's not as dull as are the typical



BRUCE MCGILLIVRAY

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productions of modern sex therapists. And it is, in a way, informative. Not about sex, but about people—especially their weaknesses. Consider some of the revelations:

- One of John Kennedy's campaign workers who in 1960 "thought that she had gained a White House job because of her intelligence and idealism, was disappointed to discover that what Kennedy and a few of his men found most desirable about her was her body."
- During a weekend when President Kennedy and his staff were in Palm Beach, the President's mother attended a party with an escort that *Time* magazine's Washington correspondent Hugh Sidey had overheard being referred to as her "gigolo." A confidential memo from Sidey to the staff of *Time* magazine found its way to the desk of Attorney General Robert Kennedy, who bullied Sidey with threats of suing for slander.
- At Esalen, famed for its encounter group therapy, massage was being "administered in the nude by attractive suntanned masseuses and masseurs to oil-slick patrons of the California spa. . . ."
- In a New York massage parlor ". . . there were Orthodox rabbis who covered their penises with condoms or plastic sandwich baggies so that they could be masturbated *without* fleshly contact."
- In California, at one of the country's most pretentious sex centers, Dr. Alex Comfort, biologist and best-selling author, "was unabashedly drawn to the sight of sexually engaged couples. . . . [W]ith the least amount of encouragement—after he had deposited his cigar in a safe place—he would join a friendly clutch of bodies and contribute to the merriment."

According to the dust jacket, *Thy Neighbor's Wife* "is about the men and women who shaped our sexual revolution." However, Talese's book certainly does not support the idea that there has been a sexual revolution in America. It supports only the impression that a few men (and women and their pathetic followers), who were sex-starved as adolescents and young adults, embraced uninhibited sexual behavior as "the answer" to what human life is—and should be—all about. As previously people worshipped gods, power, fame, or celibacy, so these Timothy Learys of sex worshipped masturbation and copulation engaged in as often as possible and with as many partners (perhaps of both sexes) as possible. Which, of course, is just plain silly. The least amount of careful reflection could warn anyone about the promises of the pansexual utopians: Why should a lot of "good" sex be any more important for a good life—and that, after all, remains even the sexualists' goal—than, say, a lot of "good" food, drink, or drugs?

The naiveté that informs much of Talese's commentary is surprising. For example, Talese refers to ours as "this Freudian age" in which "Americans were opening up, acknowledging their needs . . ." as if these observations were self-evidently true. I am not sure that we have good reasons for believing that Americans, en masse, are really engaging in much more sex now than they did, say, in the antebellum South. But never mind the weakness of that generalization. Consider rather the shallowness—indeed, the absurdity—of characterizing a therapeutic ideology of sexual salvation through masturbation (and unrestricted copulation for sensual pleasure) as "Freudian." To his dying day (in 1939), Freud maintained that masturbation was a dangerous and damaging practice—a view that even contemporary psychoanalysts more often support than oppose. In fact, Freud called masturbation "the one major habit, the 'primal addiction'" for which other addictions, such as to alcohol or morphine, are mere "substitutes." Furthermore, in his definitive *Introductory Lectures on Psycho-Analysis,* Freud defined the psychoanalytic criterion for a "perversion" as "the abandonment of the reproductive function. . . . We actually describe a sexual activity as perverse if it has given up the aim of reproduction and pursues the attainment of pleasure as an aim independent of it." Believing that Freud and psychoanalysis favor sexual freedom and pleasure is like believing that Lenin and communism favor economic freedom and pleasure. That many people believe these things proves not that they are true beliefs—but only that those who hold them are true believers.

Talese's book doesn't support his assumption that there has been a sexual revolution in America.

TAKEN AS A SERIOUS work on human sexuality, *Thy Neighbor's Wife* has other major shortcomings: It is mainly about male sexuality, which it treats in an unabashedly macho style; it says virtually nothing about homosexuality; and it falls flat-faced for the view that sex is a medical concern. After working as a nonsalaried manager at a New York massage parlor, Talese "began to see the masseuse as a kind of unlicensed therapist. Just as thousands of people each day paid psychiatrists money to be heard, so these massage men paid money to be touched." But his "research" has stupefied, not enlightened him.

For human beings, sex, like life itself, can be a source of great joy or a heavy burden or both. Which it is, and why and how it is one or another—these are matters of the utmost complexity and delicacy. To assume that the maximal expression of the human sexual impulse is a good thing, as Talese and his "sexual revolutionaries" assume—is not very different from assuming that its minimal expression is a good thing, as the Church Fathers and other puritans assumed. Such inversions of values are dramatic and may be the source of great riches and power—but they are not very instructive, intellectually or morally.

The sad but simple fact is that the satisfaction of the sexual appetite is likely to be in conflict with the satisfaction of other human desires—not merely because some bigots seek to deprive us of harmless pleasures, but because all of mankind's major pursuits compete, as it were, with each other for the limited amount of attention and time that people can devote to such things. For example, intense cultivation of religion interferes with scientific pursuits; intense cultivation of athletics, with intellectual pursuits; and intense cultivation of family life, with professional pursuits. *Mutatis mutandis,* intense cultivation of sexual experiences may be gained only at the expense of sacrificing some other sources of satisfaction—and intense attachments to family, work, religion, and so forth are very likely to interfere with sexual pursuits and pleasures.

In what ways different people—men and women, young and old, of one religion or another or of none—ought to satisfy or curb their sexual appetites remains much the same problem for mankind that it has always been. Like Masters and Johnson's sexual recipes, Talese's sexual reportage pretends to give us answers without even knowing what the questions are.

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***IMAGINING AMERICA*, by Peter Conrad. Oxford University Press, 336 pp., $12.95.**

Imagined, or imaginary?

DONALD DAVIE

*A FEW WEEKS AGO I HAPPI*ly revisited my old haunts in California, staying two nights in the old wing of the St. Francis Hotel in San Francisco, refurbished but still solidly and delightfully old-fashioned; then driving south on Interstate 280, high above the bayshore cities and not far below the forested spine of the peninsula. We were headed for Palo Alto, named for the vast old redwood that confronted Gaspar de Portolá in the base camp that he established at San Francisquito Creek on November 6, 1769. Two days later on the Stanford campus we helped to celebrate publicly the eightieth birthday of Janet Lewis, poet, librettist, and author of *The Wife of Martin Guerre, The Ghost of Monsieur Scarron,* and other neglected masterpieces.

Having so lately reexperienced this humane and various and decorous ambiance, so resonant with pieties, with achievements of austere resolution, with long and settled affections and loyalties, what am I to make of a book that tells me, "California is a paradise because it grants human beings the freedom to be inhuman, either as psychedelically enlightened angels or as carnal animals"? Or what can I be but bewildered when I read that "California, cosmetically pampering and chemically immortalizing the body, has frustrated evolutionary progress, and even made death into hedonistic self-indulgence"? Again:

> Art dies in Europe, and is born again in California. Forest Lawn at Glendale is Italy reproduced and therefore resurrected. It grants a stay of execution to works which time is steadily ruining, like Leonardo's 'Last Supper' (which it has transferred . . . to the indestructibility of stained glass) or Ghiberti's bronze Baptistery doors from Florence.

I am baffled by this, not only because I always thought glass was eminently destructible, but because as it happens I write within one mile of a replica of the Parthenon, and this stands not in Glendale, California, but in Nashville, Tennessee. For this author, then, are "California" and "America" interchangeable terms? Sometimes they seem to be, as when he declares: "America makes the rejection of literature easier because it estranges the artist from the society he knows, and thus baffles his imagination." But at other times Aldous Huxley's and Christopher Isherwood's California seems to be distinguished sharply from other American places like W. H. Auden's New York; thus it is specifically California that "abets the mystic by confounding time, reshuffling history, giving the past a face lift."

It hardly matters, however; for the two judgments are equally insulting to Janet Lewis, historian and author of scrupulously well-researched historical novels, as well as insulting to the native and adopted Californians, writers and musicians, who gathered to honor her. What we were applauding in her was an exceptional and beautiful alertness, sustained with serene self-discipline through a lifetime—and this in a milieu where, so Peter Conrad the Oxford don assures us, "The blithe seasonless weather, the hypnotism of piped music, the bland enticements of television, all are preparations for death. California lulls one gradually into insentience, so that when death comes it is hardly noticed."

Let no one say that the occasion I remember was an exception that proves the rule. I lived in northern California for ten years and found such fortifying experiences more common there than in other places I have dwelt in. And let me not hear that what Conrad is talking about is southern California, for I have lived in Los Angeles and have found the same civilities and the same vivacities there. So, trying to measure up Peter Conrad's confident formulations against one's own experience, what can one say? The obvious temptation is to say that what Conrad calls "California" exists nowhere but inside his head. But that won't do either, and for two reasons. In the first place we have been told of this mythical California before; it is not in Conrad's or anyone else's head, not really *conceived* at all, rather it is "in the air" wherever glib and journalistic people gather and are heard from. Across the English-speaking world (including other states of the Union), just such pronouncements, delivered with just such aplomb and meretricious sparkle, are

DONALD DAVIE is Andrew W. Mellon Professor of Humanities at Vanderbilt. Among his books is The Poet in the Imaginary Museum: Essays of Two Decades.

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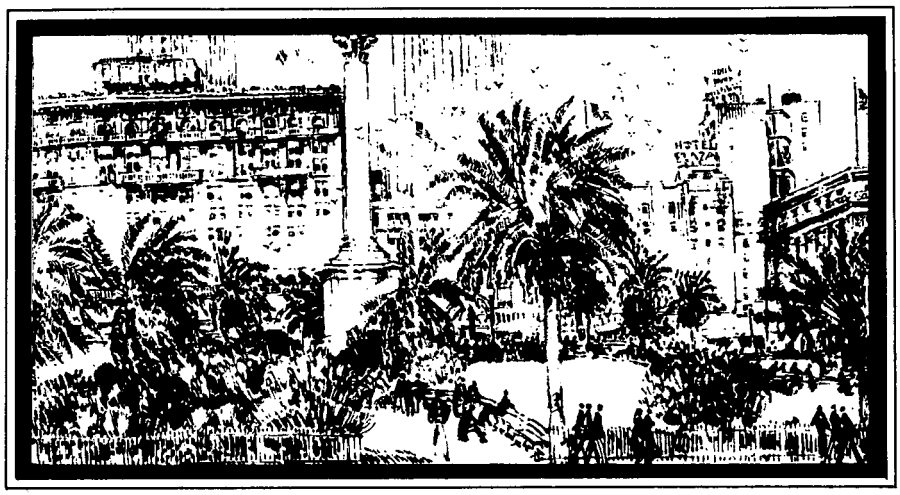
the common currency or wretched hand-me-downs of the superficially knowledgeable.

And a second reason why we mustn't say Conrad's California has no existence outside his own mind is that, in a deeply cynical sense, that is just what he wants us to say. As he sees the matter, for us to



say this of him would only put him on a level with the authors whose comments on the U.S.A. he passes in review: Frances Trollope and her son Anthony and Charles Dickens ("institutional America"); Oscar Wilde and Rupert Brooke ("aesthetic America"); Kipling ("epic America") and R. L. Stevenson ("chivalric America"); H. G. Wells ("futuristic America"), D. H. Lawrence ("primitive America"), Auden ("theological America"), Huxley ("psychedelic America"), and Isherwood ("mystical America"). Each of these, he would have us believe, saw only what he wanted to see; each of them was equipped in advance with a notional America which he then as it were laid on top of actual America in such a way that any part of the actuality that didn't fit was blotted out of sight. Yet some of these are writers whom we are accustomed to thinking of as great, and some of us are stubbornly naïve enough to suppose that great writers tell us truths that but for them would have gone unnoticed—truths not just about themselves, but about the actualities that confronted them, such as alien places, alien societies, and alien people (including us, their readers).

PETER CONRAD, WE MUST suppose, if literature is what he teaches to the young gentlemen at Oxford (and I fear it is), would hoot with derision at any such notion of what we value literature for. And yet in fact such value as his book has can be derived from reading it in just the way that he tries to rule out of court. Time and again, when he quotes from his authors, one finds them saying things that seem to be penetrating and true about features of American character, and American manners and assumptions; and it's particularly striking and instructive when one's experience of twentieth-century America bears out the perceptions of nineteenth-century travelers like Dickens or the Trollopes or Wilde. But of course to respond to them in this way is to feel gratitude and admiration, and to forfeit the imperturbably knowledgeable superiority that diagnoses them and packs them into pigeonholes labeled "aesthetic" or "chivalric" or "mystical." And to make sure that we don't easily read Wilde or Stevenson or Isherwood with any humility, our author is careful to supply no page references for his quotations, no authorities for his pronouncements, and no bibliography.

Every few months, it seems, or else every other year, there appears a book like this one about how America and Americans appear through foreign eyes, usually British. They would not appear so often if there were not a sufficiently numerous class of American readers who apparently buy such books for the perverse pleasure of being more or less urbanely "put down," if not quite straightforwardly kicked in the teeth. *Imagining America*, however, is remarkable even among these facile and clever and eminently disposable publications: In the first place, it makes more pretensions than most to being literary criticism, and has been applauded as such by—of all people who ought to know better—Paul Fussell; and secondly Peter Conrad is just as highhanded with the United Kingdom as with the United States: ". . . personal ties in America remain breezily casual, never becoming familial as they do in England, where everyone seems to be related if not by birth then by the homogenizing institutions of school, college, club, or adultery."

American readers may, if they please, believe a British reviewer who assures them that there are many thousands of Englishmen for whom school, college, and club supply associations less earnest and binding than such institutions provide for many Americans; also that, for these many thousands of Englishmen, adultery isn't a real option because, if for no more exalted reasons, domestic arrangements are too straitened for it to be—logistically or at all consistently—practicable. In other words, Peter Conrad, confident though he is, knows as little—honestly and inwardly—about British society as he knows about American. Out of that ignorance, and from some interstellar or perhaps just antipodean standpoint, he can manage to be as invulnerably and yet resentfully superior to British personalities and manners as to American. ❑

***KOLYMA TALES*, by Varlam Shalamov, translated by John Glad. W. W. Norton, 222 pp., $9.95.**

Prisoners of starvation

ANTHONY BURGESS

MY FRIEND ROBERT CONquest has published a book on the Kolyma region of northeastern Siberia. It is a vast area, desperately cold and desolate but auriferous. In the early 1930s began the process of turning it into a massive forced labor camp. Conquest is not sure whether three million met their deaths there or merely two million. We are living in an age when one can be vague about megadeaths. Solzhenitsyn says little about Kolyma in *The Gulag Archipelago*, having proposed that Varlam Shalamov coauthor the book: "Shalamov's experience in the camps was longer and more bitter than my own, and I respectfully confess that to him and not me was it given to touch those depths of bestiality

Among ANTHONY BURGESS's recent books is 1985.

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and despair toward which life in the camps dragged us all." But Shalamov was old, tired, and sick and had to decline. His record of the cruelty and bestiality of Kolyma is reserved to these brief stories, admirably translated and introduced by the director of Slavic studies at the University of Maryland.

Shalamov was born in 1907 and began to publish at about the time when the plans were laid down for the conversion of Kolyma into a hell for Soviet dissidents. In 1937 he was arrested for having praised the emigré writer and Nobel Prize–winner Ivan Bunin, and he spent about seventeen years in one camp or another. His poetry is at present available in the USSR, but the prose can be found only outside Russia or circulating (like my own) in typescript underground. Since the *Kolyma Tales* are a major document of Soviet oppression, and hence are of immense interest to the outside world, the Soviet authorities dare not draw attention to Shalamov by outright condemnation. Except as a "nature poet" he does not exist in Russia. He is one of innumerable important quasi unpersons.

This volume is only a selection, but these brief masterpieces of understatement are enough to indicate a large poetic talent that gains its effects through what William Blake called minute particulars. Here is a labor-camp meal:

> Supper was over. Slowly Glebov licked the bowl and brushed the bread crumbs methodically from the table into his left palm. Without swallowing, he felt each miniature fragment of bread in his mouth coated greedily with a thick layer of saliva. Glebov couldn't have said whether it tasted good or not. Taste was an entirely different thing, not worthy to be compared with this passionate sensation that made all else recede into oblivion. Glebov was in no hurry to swallow; the bread itself melted in his mouth and quickly vanished.

As for understatement, the end of "Carpenters" is as good an example as any: "... the following day it was only twenty degrees below zero. Winter was over."

The story called "Lend-Lease" deals with the appearance in Kolyma of American bulldozers, oatmeal, and Spam. "Once tossed in the pot, Spam from Lend-Lease had no taste at all. Convict stomachs preferred something domestic such as old, rotten venison that couldn't be boiled down even in seven camp kettles." Old clothes intended for the workers are literally fought over by the "wives of the Magadan generals." The main value of the bulldozers—apart from their laying bare mountains of frozen corpses—is their burden of machine grease; called Lend-Lease butter, it is gobbled up by the starving. A solitary lick of condensed milk provokes the following dream:

> I fell asleep and in my ragged hungry dreams saw Shestakov's can of condensed milk, a monstrous can with a sky-blue label. Enormous and blue as the night sky, the can had a thousand holes punched in it, and the milk seeped out and flowed in a stream as broad as the Milky Way. My hands easily reached the sky and greedily I drank the thick, sweet, starry milk.

"The poetry is in the pity," said Wilfred Owen, referring to his own truncated attempts to record the sufferings of the trenches. With all literary records of totalitarian enormities we have the problem of deciding how pure is our aesthetic response. The rage that is newly primed each time we read a writer like Shalamov already has its referents in the nonliterary world. We know the Soviet system to be both wicked and inefficient, but there is little we seem able to do about it; usually a piece of dissident writing merely brings back to the boil what has been, since we cannot spend all our time raging against Russia, quietly simmering.

In terms of pure subject matter, there is nothing that can arouse new indignation. We have supped full with horrors. The marvel of Shalamov's stories is that his effects are effects of style and selection, not of anger and bitterness. The *donnée* is a massive injustice which it is not the artist's job to denounce, and the subject matter is the living of life in circumstances where death would be preferable.

Professor Glad's translations read well:

> And then I remembered the greedy blaze of the fireweed, the furious blossoming of the taiga in summer when it tried to hide in the grass and foliage any deed of man—good or bad. And if I forget, the grass will forget. But the permafrost and stone will not forget.

There does remain, especially with a European reader, the vague disquiet of hearing Russians talking in American ("Yeah, I guess it was a work gang leader," and so on). An American is entitled to use his own language, perhaps even when enacting Moses or translating Montaigne, but the European is jarred by a suggestion that the work translated has, by virtue or vice of its idiom, an American validity. This is not fair to America. I think Glad himself would admit that his translated dialogue reads best when it is rendered into a neutral English neither American nor British Commonwealth. We ought to be grateful to him for introducing us to a Russian whose sufferings must be—so brutal is art—less important in the larger survey than his talent.

THE LETTERS OF MARY WOLLSTONECRAFT SHELLEY: Volume 1, A Part of the Elect, edited by Betty T. Bennett, Johns Hopkins University Press, 640 pp., $30.00.

The diffident Shelley

MARINA WARNER

IT WOULD BE DIFFICULT TO write a novel about Mary Shelley's life without straying into the gothic or the fantastical—to which she herself, perhaps naturally, inclined. She was the polestar, it seems, of a continual, appalling tragedy. This first volume of her letters takes us from just after her seventeenth birthday to the day after her thirtieth, August 30, 1827. With Betty Bennett's meticulous and apposite annotations it is a big volume, although it contains only 395 letters, an average of thirty–odd letters a year. This is not voluminous for a professional writer. Betty Bennett, in her introduction, is rightly indignant that Mary Shelley's own stature has been overshadowed because of the interest in Shelley her husband, pointing out that Mary published two novels in her twenties, the famous masterwork *Frankenstein* (1818) and the Italian romance *Valperga* (1823), as well as books of travels and criticism, and then three more works of fiction.

She was also Shelley's able editor; in her widowhood, she wholeheartedly dedicated herself to his service: "I was fortunate in having fearlessly placed by destiny [*sic*] in the hands of one who was a superior being among men, a bright planetary spirit enshrined in an earthly temple . . . I can conceive of but one circumstance that could afford me the semblance of content— . . . occupied alone with my child, in collecting His manuscripts—writing his life, and thus go easily to my grave."

The epistolary form, unless used by novelists with open narrative intent, tends to conceal the drama, the "plot," under the opaque surface of mutual exchange among friends. Many of these letters, especially the early ones from

MARINA WARNER is the author of Alone of All Her Sex: The Myth and Cult of the Virgin Mary *and* Queen Victoria's Notebooks.

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Italy, are filled with requests for "a dozen pens," striped cotton, flannel for the children's clothes, and other trivialities. Mary Shelley suffered from frequent reproaches of coldness, and though the freely loving expressions she uses to her correspondents reveal a characteristic romantic heart, generous and easily affected, the overall tone of her prose shows a steady pulse and a reined imagination. Yet what turmoil lies seething under the mundane flow of the letters. Her very first extant note is to Shelley, to arrange a clandestine meeting after the two had eloped. She asks him to be on time, as she does not like to enter a coffeehouse alone. She was seventeen, Shelley twenty-two, but he was married.

The author of *A Vindication of the Rights of Woman,* Mary Wollstonecraft, was Mary Shelley's mother, and though they had never known each other, her mother's egalitarian and emancipated thought had committed Mary Shelley wholly unself-consciously to the doctrine that there is no higher arbiter than the heart. Shelley of course, from an even more high-minded and idealistic stand, confirmed this, and together, defying the blaring hue and cry, they went to live in the Thames valley at Marlow.

Death, which had so decisively entered Mary's life when her own mother died ten days after bearing her, still kept her company. Within months of her elopement, her half-sister Fanny Imlay, Mary Wollstonecraft's illegitimate daughter, had killed herself; Harriet Shelley, Shelley's first wife, had also

committed suicide; within years, Mary's own first child with Shelley was also dead. No wonder she was accused of being "the silent and the serious." To Leigh Hunt, who had accused her in this regard—and who had been part of that English circle in Italy, "The Elect"—she wrote: "I had a dream tonight of the dead being alive, which has affected my spirits." But there are no outpourings of rage or grief or guilt on her pages.

Sir Timothy Shelley, the poet's father, cut him off; Mary's father, William Godwin, who refused to see the lovers, hypocritically pressed them all the same for money to pay his back rent and other urgent debts. They had no money at all; indeed, financial anxiety runs through Mary's letters with sharper pain than almost any other topic. To Shelley from the country she wrote: "Adieu my one love—Get rid of that nasty side ache. You will tell me that the Italian sun will be the best physician—be it so—but money money." In March 1818, the Shelleys, now married, sailed for France, and then traveled overland to Italy.

MARY SHELLEY NEVER liked the inhabitants. But both loved the country, for the beauty of its light and its landscape, for night rides under the moon, for the bucolic classicism of its agriculture. Steeped in Shelley's heady Platonism about love, they rebelled in disgust at Catholic asceticism: "You would not like Domenichino so well, he is so fond of painting that scapegoat of all that is shrivelled and miserable in human nature, Saint Jerólymo," wrote Mary.

But misfortune did not vanish with Italy's clear skies. Mary's other half-sister, Claire Clairmont, daughter of Godwin's second wife, formed a ménage à trois with the Shelleys; though these letters do not settle the extent of her connection with Shelley one way or another, they point to Mary's frequent impatience with Claire's presence. Then Claire bore Alba—later called Allegra—the daughter of Lord Byron, but he, "remorseless and unprincipled," was a capricious father. At last Byron acknowledged her and took her to live with him, only to shut her up in a convent where at five she died in an epidemic.

Mary lost her second and third children, Clara in 1818, a few months after they had settled in Italy, and William in Rome the following year. He was three and a half. "The hopes of my life are bound in him," she wrote as she watched at his deathbed. At the age of twenty-two, having borne three children, she found herself childless "for five hateful months." Then Percy, who was somehow to outstare the Shelley fatality, was born.

For a time, living in Pisa, they were happy. Scandals about Shelley were bandied about, but Mary resolutely dismissed them. "Shelley is incapable of cruelty as the softest woman—To those who know him, his humanity is almost as a proverb." But then there was the shipwreck and the weird fulfillment of some of Shelley's favorite lines from Shakespeare: "Nothing of him that doth fade/ But doth suffer a sea-change. . . ." After he was drowned, Mary used the resources of Shelley's profound Neoplatonism to cope with her despair and his disappearance: "Except that his health was getting better and better I would not selfishly desire that his angelic spirit should again inhabit that frame which tormented it—he is alive and often with me now. Everyone feels the same. . . ."

But again money worries obtruded on higher thoughts. Byron argued that Mary should agree to Sir Timothy's offer and give up her son into his guardianship and thus secure his and her livelihood. She stuck to her instincts—"Feelings are my events"—and was rewarded. She retained custody of her son Percy, "my little Italian" ("Persino" had spent all his life in Italy); she was grudgingly granted an annuity of £100 for his keep, later increased by another £100 for herself. When Sir Timothy finally met his grandson and his heir "he was enchanted by the beauty and gentleness of my son."

Betty Bennett has found some very important unpublished letters (from which come, for instance, the last three passages quoted). The two main new caches are Mary's Italian letters to Teresa Guiccioli, Byron's mistress and so her "sorella in infelicità." More significant is her correspondence with Jane Williams, another sister in sorrow, but the fascinating story of the two widows' relationship is not fully unfolded in this first volume. Otherwise the valuable letters were edited before, in 1944, by Frederick L. Jones at the University of Oklahoma. They have been accurately and completely transcribed here, right down to the last eccentricity of punctuation and spelling. Though they are occasionally entertaining, with glimpses of Byron, of Italian opera, of characters like "the half-Arab Englishman" Trelawny, Mary Shelley is not a supreme letter writer. She called herself a moon, to Shelley's sun, and she is simply not egotistical enough to put herself or her views on show. So we only hear that she is delighted to find herself "famous" on her return to England. Two versions of *Frankenstein* were written for the theater, and Canning, the foreign secretary, mentioned the book in a speech. But she writes nothing in her letters of the book's genesis or making. (It probably had its roots in a childbirth trauma, as Anthony Burgess has pointed out.) *Valperga,* similarly, is mentioned without any comment on its writing. Nor does she project

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the chronicle of her existence for the eyes of posterity; she has no sights for the limelight. Her style, except for occasional gothic flights, is undistinguished. Her letters are private; they are never petty, but they do show that genius—Shelley's, Byron's, hers—is very often banal.

MAUGHAM, A Biography, by Ted Morgan. Simon & Schuster, 711 pp., $17.95.

Willie's wake

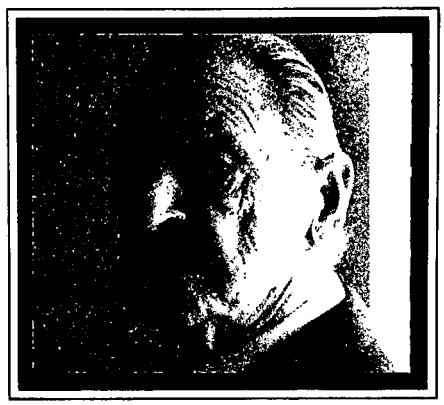
WILLIAM ABRAHAMS

IT IS HARSH, BUT NOT, I think, unfair or unsympathetic, to say of W. Somerset Maugham (1874–1965) that he had the misfortune to live too long and to write too much. Had he died as late as his mid-eighties, he would have been spared the misery and indignity of his final years that Ted Morgan has so relentlessly recorded. And had he not written so much—the works of Somerset Maugham, even without a mention of "collected editions, anthologies in which Maugham appeared or which he compiled, and articles and stories not published in book form," come to more than seventy volumes: novels, plays, short stories, travel books, reminiscences, essays—it would be less difficult to do justice to his achievement, less easy to dismiss it.

In 1946, Edmund Wilson took the occasion of the publication of Maugham's novel *Then and Now* (one of his worst) to launch a "general attack" upon his career to that time. (He was seventy-two and this was his sixty-eighth publication.) "It has happened to me," Wilson wrote in *The New Yorker*, "from time to time to run into some person of taste who tells me that I ought to take Somerset Maugham seriously, yet I have never been able to convince myself that he was anything but second-rate."

Condemnation from so distinguished a critic is not to be taken lightly, though its force is somewhat diminished by Wilson's subsequent, complacent admission that he had never read *Of Human Bondage, Cakes and Ale,* or *The Razor's Edge,* novels vastly superior to *Then and Now* (which in spite of being a Literary Guild selection with an initial printing of 825,000 copies has sunk into oblivion). I don't propose to argue the merits of *Of Human Bondage,* generally regarded as his "masterpiece," since I've not read it in more than forty years, and I suspect that *The Razor's Edge,* so successful in its time, is no more than superior, elegant entertainment. But *Cakes and Ale,* I can say on the basis of a recent rereading, is something else again: one of the classic small novels of this century. (So, for that matter, are *A Handful of Dust* and *The Good Soldier.*)

Finding the diamonds in a heap of pasta is no easy task: hence, what Morgan calls "the Maugham problem." It nags away at him—if only he could *place* his subject. On the very last page of the biography Morgan is still trying. In a glancing phrase he sums up Maugham



as "one of the masters of contemporary fiction," and in the last words of all, as "a teller of tales." *That* assuredly he was, and a very skillful one. But a master of contemporary fiction? The difficulty, of course, is in that floating word "contemporary." Maugham, at various points in the course of his immensely long life, was the contemporary of Henry James, Joseph Conrad, James Joyce, Virginia Woolf, D. H. Lawrence . . . who would argue that he belonged in their company? Who would ever think to describe Joyce or Lawrence as "masters of contemporary fiction"? To do so is an act of condescension. Mere mastery is not enough, and that perhaps is the root of the problem.

Reading this very long and exhaustively detailed biography, one comes to feel how easily Maugham can be condescended to: His life, as described here, positively invites it. But is it fair to hold Maugham responsible for what Morgan has done to him, consciously or not? Morgan is an ardent and credulous collector of facts, relevant or irrelevant, possible or unlikely or downright bogus—and he has made no noticeable effort to discriminate among them. One comes to feel that a place has been found for every story ever told about Maugham, whether already in print—the library of Maughamiana is immense—or freshly devised for the interviews granted to Morgan by Maugham's friends and enemies (on the evidence here, interchangeable categories).

Morgan is more sociable than his fastidious subject: Absolutely everybody is welcome at this party of his, this wake for the Old Party. And as one might expect, some highly dubious types, having got in, are happy to let us know how wonderful *they* were, and how awful Willie was. The self-serving in this volume is prodigious: so many scores to be paid off, so many decades-old slights and unkindnesses to be avenged. Apparently Willie couldn't do *anything* right, his friends and hangers-on are quick to tell Morgan, and he to tell us. The master was cold and incapable of deep feeling, and what little he felt he couldn't express: deplorable, of course. But then, when he does feel something deeply (the death of Gerald Haxton, his "great love"), and does allow himself to show what he feels (he weeps at Haxton's funeral), that is deplorable too.

Or so, at least, thought his "good friend" Glenway Wescott, who sat beside him at the funeral and watched him break down and sob. "And all these years, he thought, you've been bragging about how tough you are, and you've never displayed emotion, and you've been trying to extend your life into the hereafter through your work, and here in this church, where the very words 'life hereafter' are being uttered, here you sit blubbering, you can't even keep your composure and you're making a fool of yourself in public. What good was an upper-class Anglo-Saxon manner if it left you weak as a kitten in the common plight, the hour of every man." Quite a story. Still, one wants to enter a demurrer: Is it really all that discreditable to weep at the funeral of someone one has loved? I have seen the eyes, even of Anglo-Saxons, brim with tears at such a moment.

Poor Maugham, he becomes a classic victim of the Hungarian principle: With friends like those, he didn't need enemies. What would he have made of this biography in which their voices tend to drown out his? The irony would not have been lost upon him, but he would not have wept.

WILLIAM ABRAHAMS is a contributing editor of INQUIRY. He is the editor of the annual O. Henry Prize Stories series, and the coauthor, with Peter Stansky, of Orwell: The Transformation.

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WORLD WAR I AND THE ORIGIN OF CIVIL LIBERTIES IN THE UNITED STATES, by Paul L. Murphy. W. W. Norton, 285 pp., $16.95.

Wilson's raiders

MURRAY N. ROTHBARD

AMERICA'S ENTRY INTO World War I was marked by a system of repression of dissent and civil liberties unprecedented in our history. The repression ranged from the jailing of thousands of critics of the war, most notably Socialist leader Eugene Debs, to banning the playing of Beethoven (a Hun), changing the name of sauerkraut to Liberty cabbage, and seeking to prohibit the teaching of the German language in the public schools ("Speech of Hated Hun Forbidden," was how the press saw one such triumph). Leading the nationwide assault was the federal government; the executive branch also orchestrated councils and organizations on the state and local level, and gave official sanction to vigilante activities of superpatriots engaging in surveillance of their neighbors.

The parlous state of individual freedoms in the United States was sketched by H. L. Mencken in the early 1920s, when he satirically suggested what was "wrong" with civil libertarians from the viewpoint of the average American. The problem was that they were too dogmatic, too doctrinaire in the espousal of the Bill of Rights, a bunch of troublemakers and semianarchistic johnny-one-notes constantly bemoaning the alleged threats to liberty in this freest land on earth. In short, Mencken wrote in mock scorn, they were "the same fanatics who shake the air with sobs every time the Postmaster-General of the United States bars a periodical from the mails because its ideas do not please him, and every time some poor Russian is deported for reading Karl Marx, and every time a Prohibition enforcement officer murders a bootlegger who resists his levies, and every time agents of the Department of Justice throw an Italian out of the window. . . ."

Establishment historians have long been rather embarrassed by this veritable reign of terror during and following World War I. For they have a particular problem: At the top of the pyramid of repression was none other than Woodrow Wilson, one of the great triad of "strong" presidents (the others are Lincoln and FDR) who are supposed to have brought America to its present pinnacle of preeminence. As Mencken put it, their attitude has been that Woodrow Wilson was the natural candidate "for the first vacancy in the Trinity." What then to do about Wilson as commander in chief of the repression machine? Up until the last two decades, the solution was to levitate him above the carnage; not Wilson but his impetuous and reactionary advisers were to blame, both for the wartime repression and for the notorious Palmer "red raids" conducted well after the end of the war.

Fortunately, in recent years historians have been more willing to topple their idols. Paul Murphy's new book is a welcome addition to the newer tough-minded literature on the suppression of

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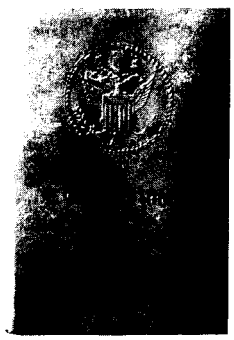

E Pluribus Unum
The Formation of the American Republic 1776-1790

By Forrest McDonald

Having won their independence from England, the American colonies faced a new question of paramount importance: Would this be politically one nation, or would it not? *E Pluribus Unum* is a provocative and spirited look at how that question came to be answered. "A fresh, vivid, and penetrating recreation of the crucial fourteen years in which a new nation was born"—*New York Times Book Review.* "Original and stimulating" —*American Historical Review.* "Highly readable and highly recommended" —*Library Journal.* "Will lead scholars to reassess some of their assumptions about the formative years of the American republic. As one of the most sprightly written brief accounts of this turbulent era it is also likely to gain a non-academic audience"—*Annals of the American Academy.* Hardcover $8.00, Paperback $3.50.

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civil liberties in the war. Woodrow Wilson is given the primacy and the major responsibility for the terror system that he so richly deserves. Murphy provides us with a competent and useful account of the suppression and the emergence of the organized civil liberties movement. Although his brief treatment lacks some of the juicy details of H. C. Peterson and Gilbert Fite's *Opponents of War, 1917–1918,* Murphy is particularly good on an area relatively neglected in the other treatments: the reaction of lawyers and jurists to the civil liberties issue.

The discussion, however, is often skimpy, perhaps a function of the severe space limits that the otherwise excellent Norton series in American history seems to impose on its authors. The treatment of the Progressive period is scanty and unsatisfactory, with no discussion of the antianarchy laws that swept the nation after the assassination of McKinley, or of Teddy Roosevelt's fortunately unsuccessful attempt to revive the charge of federal seditious libel against the *New York World* in 1910 for its exposé of his chicaneries in the Panamanian revolution. And there is no treatment of the Palmer raids of 1919–20, which clearly grew out of the wartime hysteria and continued it into peacetime.

There also might have been at least a mention of the fact that on the day war was declared, Secretary of the Navy Josephus Daniels managed to get Wilson to nationalize the radio waves and to place radio in Navy Department hands—where Daniels unsuccessfully tried to keep it after the war had ended. Or of the bizarre establishment by the War Department of its own lumber union, the Loyal Legion of Loggers and Lumbermen, as part of the government's successful effort to crush the radical IWW. And Murphy misses the fact that the Post Office's suppression of an issue of *The Nation* was a reaction against libertarian Albert Jay Nock's editorial attacking AFL leader Samuel Gompers for his prowar activities within the international labor movement. Apparently, a mere criticism of Gompers was enough to get even a leading magazine banned from the mails.

BUT THE MAJOR PROBLEM with Murphy's book is his fundamental confusion about the nature of the Progressive movement that underlay the war effort and the war mobilization. Murphy seems torn between the older myths and the more recent insights about the Progressives, as witness his belief that this fundamentally militaristic and imperialistic movement had been at least half pacifist. And although he acknowledges the vital role of such classical liberals and antistatists as Roger Baldwin and Oswald Garrison Villard in the battle against war and on behalf of civil liberties, he attacks classical liberal property rights theory as furnishing, in essence, protection to only the civil liberties of the "propertied." What he misses is the fundamental Lockean axiom that every individual, by virtue of being human, has a "self-propriety"—a property right in his own person, including his life and liberty. The argument that there can be no firmer groundwork than this for civil liberties for all, he doesn't even bother to tackle.

Murphy's crucial failure is in not understanding that the Progressive movement was a comprehensive drive for statism and big government across the board—in every area of American life, from the economy to foreign policy to the treatment of dissent, and even to sex and the consumption of alcohol. The movement was a coalition of certain big business groups and new circles of technocratic intellectuals, devoted to a planned and cartelized economy in which they would share the rule. The embracing of the war by John Dewey and countless other Progressive intellectuals was no incomprehensible betrayal of their reform ideals, but rather part and parcel of their vision of a nationalized future. In James Weinstein's insight, the Progressives saw the war as the "fulfillment" of their cherished goals. And Progressive jurists, as Murphy only partly recognizes, were devoted not to the classical doctrine of property rights, but to governmental intrusion and interference with those rights.

And so Murphy misses the crucial fact that the entire Wilson administration was "progressive," from the President on down. The greatest censors and oppressors during the war were Attorney General Thomas W. Gregory and Postmaster General Albert S. Burleson, leading Texas progressives. Both were placed in their posts in Washington by the President's mysterious alter ego, "Colonel" Edward M. House, long the grey eminence of the progressive wing of the Texas Democratic party. And the notorious A. Mitchell Palmer, who became attorney general in 1919, was a leading Pennsylvania progressive. From Murphy's own account it is also clear that the members of the U.S. Supreme Court, which put its vital imprimatur on the wartime repression, were almost all progressives, including Chief Justice Edward D. White of Louisiana, Joseph McKenna of California, and William R. Day and John H. Clarke of Ohio.

Murphy debunks the allegedly civil libertarian position of the sainted Oliver Wendell Holmes.

One of Murphy's welcome contributions, in fact, is to debunk the allegedly civil libertarian position of the sainted Justice Oliver Wendell Holmes. As Murphy perceptively sees, Holmes's progressive commitment to judicial realism and restraint meant that the courts could no longer serve as a bulwark of either property rights or civil liberties against government invasion. As Murphy states, Holmes revealed an attitude of "permissive majoritarianism and a commitment to judicial self-restraint," and hence advocated "permitting the federal government and the states to use power positively to confront a variety of situations and to impose social control where necessary." And since rights were supposedly "social and not natural," Holmes was "fairly well in tune with the growing tendency in twentieth-century America toward community control, with its corresponding limitation upon individual freedom." Yet Murphy is not convincing when he tells us that Holmes had been converted to supporting a civil liberties position by the time of the *Abrams* case in late 1919. During the Volstead Act (Prohibition) and other cases of the 1920s, Holmes was back at the same old "permissive majoritarian" stand.

The period of the First World War was a watershed in the evolution of the corporate-liberal warfare state. It saw the burgeoning not only of the government-business alliance in industry, and American militarism and globalism, but also of the ideology and apparatus of the national security state. In the years and crises to come, the threats to civil liberties would be systematized. As the latest

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depredations by the CIA, FBI, and other federal agencies show, these have far from disappeared.

NATHANIEL HAWTHORNE: A Biography, by Arlin Turner. Oxford University Press, 457 pp., $20.00.

New England Gothic

HENRY NASH SMITH

FIFTEEN YEARS AGO A reviewer remarked with understandable exasperation that Nathaniel Hawthorne had been "explicated, allegorized, source-hunted, theologized, annotated, romanticized, deromanticized, decoded, psychoanalyzed, and mythologized." Since then the amount of critical attention has increased. The two most recent issues of the annual bibliography of the Modern Language Association, covering the years 1977 and 1978, list under "Hawthorne" five books and more than two hundred articles. The Ohio State University Press has produced to date thirteen volumes of its centenary edition of Hawthorne's works, with several volumes of letters, journals, and notebooks yet to come. The late Arlin Turner had been publishing articles about Hawthorne from time to time since the 1930s, and he brought out a book of interpretation and criticism in 1961. Readers outside the academy might well greet with a yawn the announcement of yet another book by him on the same subject.

But such a response would be badly mistaken, for Hawthorne deserves the attention he has been receiving. Henry James, who had begun his own career with several palpable imitations of Hawthorne, proclaimed him "the most beautiful and most eminent representative of our literature." During the vogue of realism in the late nineteenth and early twentieth centuries Hawthorne was inevitably neglected, but the reaction against realism that has been gaining momentum for several decades now has brought him back into high critical favor.

The time is therefore ripe for just such a book as Turner's: a careful narrative of the facts of the man's life based on full coverage of the sources that have become available in recent decades. Although the story told here is familiar in its broad outlines and even in many of its details, seemingly trivial items take on fresh interest when they are placed in total context. It has long been known, for example, that the household in which Nathaniel Hawthorne grew up was dominated by the eccentricity of his mother, who was the widow of a ship's captain who had died of a fever in the Caribbean when the boy was four years old. This abstract statement gains greatly in meaning, however, when we learn that although Hawthorne's family knew his entirely suitable fiancee, Sophia Peabody, and had no specific objection to her, none of them attended the wedding.

Sophia did not see her husband's mother until two years later, when she and her husband took their first child to call. This was the only occasion, Hawthorne observed, on which he could remember dining with his mother. (After graduating from college he had lived in the same house with her and his two sisters for more than a decade, but the members of the family took their meals separately in their own rooms.)

The Hawthornes proudly traced their New England ancestry to the seventeenth century, and although Nathaniel, like Fenimore Cooper, was a supporter of Jackson and a solid Democrat, as a young man he also exhibited some aristocratic tendencies. He incurred punishment in college for drinking wine, playing cards, and neglecting his studies. More surprisingly, a few years later he nearly challenged to a duel John Louis O'Sullivan, founder and editor of *The Democratic Review*, because of a supposed slight to a young woman Hawthorne thought he was in love with. Fortunately this bit of foolishness was smoothed over; Hawthorne eventually contributed more than a dozen sketches and tales to the magazine, and O'Sullivan became one of his most energetic and influential backers in his prolonged endeavor to get an appointment through political patronage.

Hawthorne's efforts to find a place on the federal payroll gain in significance as Turner reconstructs them on the basis of dozens of letters, published and unpublished, by Hawthorne, his wife, and his

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political associates. Thus we learn that as early as 1837 Franklin Pierce, then a congressman from New Hampshire—Hawthorne was to write his official presidential campaign biography in 1852—was already offering his influence to help the writer secure "an office" (with unspecified duties) in a South Seas exploring expedition. Hawthorne wrote to his college classmate Henry Longfellow: "If such a post were attainable I should certainly accept it; for, though fixed so long to one spot, I have always had a desire [to] run round the world."

THIS INITIATIVE FAILED, but in an era before foundation fellowships or academic appointments for writers, when civil-service reform was a utopian fantasy, the spoils system offered the only means of providing public support for men of letters. Hawthorne's friends arranged his surveyorship in the Boston customhouse the following year. Unfortunately, the post gave him "an intolerable sense of being hampered and degraded," and he resigned as soon as he had saved enough money to live on for a while. After several years of frustrating struggle to find a way of supporting himself and (after 1842) a wife and a growing family, Hawthorne was forced once again to seek federal employment; in 1846 he succeeded in having himself appointed surveyor of the Salem customhouse. This is the experience described in the introduction to *The Scarlet Letter.* It ended in 1849 when the Whigs came into power again.

Sophia Hawthorne asserted that her husband took his "decapitation" as "a matter of course in the way of politics," but the correspondence quoted by Turner reveals that the writer felt deep resentment toward such leading figures among his adversaries as the Reverend Charles W. Upham, a Unitarian minister in Salem who was a member of the legislature and a ferocious Whig. Hawthorne considered Upham "a liar and a most consummate hypocrite," and used him as a model for the despicable Judge Jaffrey Pyncheon in *The House of the Seven Gables.*

Although Hawthorne's dismissal threatened his family again with destitution, it freed him to write *The Scarlet Letter.* Turner says that when *The Scarlet Letter* was published in 1850, the author was heartened by a favorable critical reception "and the royalty payments provided income to support him while he continued to write." During the next two years Hawthorne composed *The House of the Seven Gables* and *The Blithedale Romance,* and these were also reasonably well received. Nevertheless, during 1851 and 1852 money was still a problem, and Hawthorne was determined to increase his income. He put together three collections of previously published magazine pieces in addition to the two major novels, and it is notable that in *The Blithedale Romance* he made a conscious effort to avoid the "gloom" that even favorably disposed critics had complained of in *The Scarlet Letter.*

At the end of 1852 Hawthorne's financial prospects should have seemed better than ever, but he made a drastic decision that betrays a great deal of insecurity about his career as an artist: He eagerly sought, and accepted with no apparent misgivings, the appointment as United States consul in Liverpool with which Pierce rewarded him for his services. There is a problem here that deserves more attention than Turner gives it. The biographer says flatly, looking back from the end of Hawthorne's residence in England in 1857, that Hawthorne "had ceased to be an author and had spent nearly five years in a second career." Although accumulated savings enabled Hawthorne to take his family to Italy for two years, he never regained his full powers as a novelist. *The Marble Faun,* written during this period, is clearly inferior to the work produced before he was appointed consul, as if financial security inhibited him. Yet Turner does not inquire into this apparent paradox. He seems in fact almost on principle to avoid close scrutiny of the problematic aspects of Hawthorne's life.

This generalization applies also to the other major dilemma that Hawthorne faced: his need, both internal (psychological and philosophical) and external (socially imposed) to define his attitude toward the issue of slavery and the survival of the Union. It would be out of the question, of course, for a biographer to retrace all the complexities of a controversy that dominated American politics for decades, but since the subject of Hawthorne's book about Pierce was the political career of a man elected President largely on the basis of his skillful equivocation concerning slavery, Turner's account seems rather meager. Hawthorne, he says, "had made no compromise in presenting his own and Pierce's views on the growing conflict over slavery and the powers of the Union and the states." But we are given only the most general account of what Hawthorne's and Pierce's views were. Most of the time Turner's policy of confining himself strictly to a summary of what can be documented—might we call it the phenomenological surface?—works well, but with regard to these central matters it makes him seem unduly reticent. We need at least a couple of pages analyzing Hawthorne's attitude. Was this subtlest and most ironic of writers really comfortable expounding the formulas worked out by the Democratic party managers? ❑

CONSCIENCE AND CONVENIENCE: The Asylum and Its Alternatives in Progressive America, by David J. Rothman. Little, Brown, 464 pp., $17.50.

Repression as reform

PETER SCHRAG

THERE'S SOMETHING strangely disorienting about *Conscience and Convenience,* David Rothman's sequel to his *Discovery of the Asylum.* Focused on Progressive-era reforms in, and the alternatives to, the insane asylums and prisons of the nineteenth century, it deals with the ideal of transformation and therapy, and its failures—but one could almost be reading the history of the mental health movement and the criminal justice system in the generation after World War II.

The more recent patterns may not be as neat as Rothman says they were in the two generations before the war—roughly 1890–1940—but the issues are very nearly the same: punishment vs. "therapy" (the moral model as against the medical model); the failure of closed institutions and of the trinity of new faiths—faith in individualized treatment, in the benevolence of the state, in the power and reason of the social and behavioral sciences. "Progressives," he writes in his introduction, "imagined that non-institutional programs might take some clients away from the institutions, that probation might spare an offender from a term in state prison, that

PETER SCHRAG is a contributing editor of INQUIRY and is on the editorial staff of the Sacramento Bee. *His latest book is* Mind Control.

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a community clinic might spare a patient from a stay in a state hospital. In fact they were wrong. . . . Innovations often became add-ons to the system, not replacements."

Progressive thinkers were starry-eyed about the infinite potential of the social sciences.

There are, of course, differences between the two periods. In the past generation there has in fact been (to name perhaps the most obvious) a decline in the number of people incarcerated in the back wards of state mental hospitals: Here budgetary pressure provided the motivation and drugs the opportunity. Given a person enough Thorazine or Haldol or Elavil, or, better yet, some long-lasting, injectable tranquilizer, and it no longer matters much whether he's locked up at Dippy Hill or sits nodding in a downtown welfare hotel. The significant difference is that the latter costs only one-third as much.

For the most part, however, it's a matter of *plus ça change*. As intervention becomes less overtly punitive, Rothman points out, and ostensibly more therapeutic—as therapy becomes the rationale—there is less reluctance to urge or coerce clients into the system's fond embrace. "Our new attitude toward the criminal," said a leading Progressive welfarist in 1912, "is not one of forming moral judgments against him, but it is intelligently finding out what the trouble is and putting into operation those influences and agencies . . . that will restore him to society."

Perhaps the prime example of the Progressive spirit was the creation of the juvenile justice system: courts, reform schools, and other institutions designed to spare the young offender the harsh punishment of adult prison and the invidiousness of the normal criminal justice system. Once again the objective was individualized treatment (so-called), "not so much to punish as to reform, not to degrade but to uplift." And since the aim was treatment—ostensibly to benefit the individual—it was (and remains) easy to enroll minors in the system on the flimsiest of grounds: spitting on the sidewalk, throwing rocks into sewers, missing school, cursing on the street, disobeying parents.

THIS WAS THE CHARACTER-istic reform of the era in that it reflected not only the faith in the possibility of transforming human beings but, even more emphatically, the belief that the best place to make the effort was among children. It might be too late to save the prisoners or the inmates of insane asylums (only lately renamed "state hospitals") or the immigrant inhabitants of tenements. Yet clearly it wasn't too late for the children of those whom the typical Progressive, WASP that he was, regarded with increasing anxiety: the Italians, the Greeks, the Slavs, and the other Eastern and Southern Europeans who made up a disproportionately large percentage of the populations of all those institutions.

Here, however, Rothman treats his subject too narrowly: Occasionally there is a reference to immigration, and one to eugenics early on, but never a real clue to the growing fear of racial deteriora-

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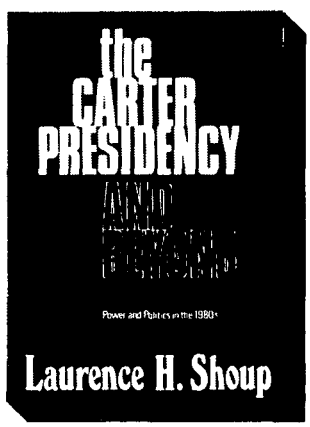

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tion that accompanied so many Progressive-era discussions of crime, delinquency, madness, imbecility, and the various other social ills tackled by the institutions Rothman discusses. Thus by limiting himself to his three sets of institutions—criminal justice, juvenile justice, and mental health—Rothman almost of necessity neglects a large part of the ideological structure that informed them all.

He does not mention the thousands of eugenic sterilizations in the twenties and thirties, operations that at once reflected the best of the Progressive ideology and the worst of the travesties perpetrated in its name. The great pioneers of intelligence testing, Goddard, Terman, Thorndike (none of whom is mentioned here), were also among the leaders of the American eugenics movement between the two world wars and great believers in some version of Goddard's idea that the four million Americans of "superior intelligence" had to control the country to keep the masses from trying "to take matters into their own hands." "One sure service (about the only one) which the vicious and inferior can perform," said Thorndike in 1939, "is to prevent their genes from survival."

The Progressives who thought about such things were both horrified by the social evils they perceived all around them and starry-eyed about the infinite possibilities of the medical and social sciences then rising to power. Rothman points out that those sciences offered virtually nothing useful for the treatment of mental illness, let alone for the reform of criminals, but since his narrow frame doesn't allow him to discuss the universality of that faith he never makes clear why the creed survived its consistent institutional failures. "In these [scientific] discoveries," said Stephen Smith, the president of the First National Conference on Race Betterment (1914) "we find the basic principles of race betterment. . . . The great problem is the betterment of all defectives as we find them in every grade of society." He asserted that innumerable measures "may be employed to . . . restore their normal functioning capacity. . . ."

The task, obviously, was to revalidate faith in the American dream of transformation, a faith that was being badly shaken by industrialization, urbanization, immigration, and all the evils with which they were associated in Progressive America. As Rothman points out, the Progressive reforms, e.g., the indeterminate sentence and parole, often became useful devices for jailers in controlling inmates.

But since prisons and mental hospitals also serve to maintain the social order, such institutions probably would have been just as oppressive even in the absence of those reforms. Within the institution, Rothman notes, conscience never triumphed over convenience. In the long run the needs of institutional order prevailed over the needs, however defined, of therapy and reform. Yet since the prisons and hospitals were—all rhetoric to the contrary notwithstanding—always institutions of social convenience, places to put difficult or dangerous people, one could hardly have expected much else. Reform or therapy provided a nice democratic–social service rationale; incarceration met the practical needs of the community.

WHICH BRINGS US BACK again to the matter of disorientation. The issues Rothman discusses did not arise solely in the places or the times that he deals with. It is a little messier nowadays: more due process and a little less institutional discretion, more fixed sentences in criminal justice and fewer indeterminate ones. Yet the invention of alternatives seems never quite to cease. In the 1960s the nation created a whole new network of federally funded "community mental health centers" designed for almost precisely the same purposes as those that first motivated the creation of the psychopathic hospitals and other acute treatment facilities of the Progressive era. In the 1970s, again largely with federal funds, a whole set of "community treatment programs" was created for young delinquents who had heretofore been sent to juvenile hall or reform school (which were themselves, of course, reform alternatives to something else). In each instance, as due process makes formal commitment more difficult, informal alternatives are devised.

The big difference between then and now is that the faiths are gone: faith in the social and behavioral sciences; faith in professional treatment and reform; and, most particularly, faith in the benevolence of government. To some extent, of course, faith is no longer required. In the alliances and combinations that have been forged among the three faiths—as they work themselves out in psychiatry, in social work, in education, in every one of what are now known as "the helping professions"—sheer power replaces belief in the process. Yet the apostasy of the past decade surely distinguishes this time from the century that began at the close of the Civil War. Until very recently we still tried to reform not because we believed in any great success coming therefrom, but because it might help reduce the power of other social welfare institutions. Now there is Proposition 13. ❏

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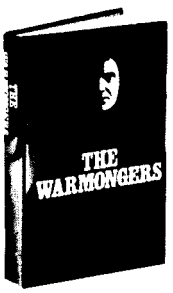

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THEATER

***MORNING'S AT SEVEN*, by Paul Osborn. Directed by Vivian Matalon.**

The four sisters

STEPHEN HARVEY

THE ERA BETWEEN THE two world wars, as everyone knows, was when American theater came of age. Although the would-be tragedians of the time copped most of the prizes and praises then, the comic playwrights of those days have had the last laugh after all. Once upon a time drama profs and critics' circles noted Kaufman and Hart's caustic snappiness and Philip Barry's silken manners but doubted that anything so droll could claim enduring importance, particularly when measured against the verbal majesty of Maxwell Anderson's blank verse or the poetic urgency of Clifford Odets's social conscience. Nowadays, the likes of *You Can't Take It With You* and *The Philadelphia Story* are cheerfully erasing deficits at regional theaters everywhere. Such delights haven't fared so badly in the big leagues either: A rollicking production of *The Royal Family* (Kaufman and Edna Ferber) enchanted Broadway theatergoers three years ago, and this season's hottest ticket in London's West End has been *Once in a Lifetime*, revived by no less than the Royal Shakespeare Company.

The renewed currency of such plays isn't due merely to the fact that they still manage to make us laugh—as if that weren't enough. An unexpected dividend comes from the unpretentious insight lurking just beneath the mirth in the best of these comedies. An evening spent with *The Royal Family*'s irrepressible Cavendishes tells you a lot more that's worth knowing about human relations than you'll discover while grimly watching the Rhine with one of Lillian Hellman's ménages. Somehow, too, the well-carpentered artifice of that earlier era seems much more acceptable when couched in blithe repartee than mired in topical cant.

It's been lovely getting reacquainted with this comic canon, but none of the plays mentioned above was an unknown quantity; each was popular in its own day, and most generated memorable movie versions. Not so *Morning's at Seven*, which was greeted with near-unanimous rapture tinged with a note of surprise at its Broadway opening in April. For both critics and civilians, discovering this incandescent little piece has been rather like stumbling across a perfect landscape by some forgotten American primitive at a neighborhood garage sale. After all, its author, Paul Osborn, is remembered, if at all, as a proficient second-rater who transformed such novels as *A Bell for Adano*, *Point of No Return*, and *The World of Suzie Wong* into popular stage pieces. *Morning's at Seven*, one of Osborn's few originals, ran scarcely more than a month at its premiere in 1939, despite a cast that included Dorothy Gish, among other notables. Maybe this leisurely comedy of a geriatric family's warfare lacked glamor at a time when theatergoers expected their amusements to be streamlined and cosmopolitan. Yet for all its surface naiveté, this is a remarkably knowing and sophisticated play, and Vivian Matalon's uniformly assured production reveals all the radiance audiences of forty years ago somehow overlooked.

Osborn's humor often works by subverting our assumptions about the behavior of old ladies.

Like so much satisfying theater, this play gives the sense of being utterly complete within the world it creates. *Morning's at Seven* takes place in two slightly tumbledown backyards adjoining two faded gingerbread abodes. It is set in an unnamed hamlet in the midwest; the time is transposed back to 1922. Daily intrigues reverberate between the two houses, which delight the residents thereof, their advanced ages notwithstanding. The house on the left is ruled by Ida (Nancy Marchand), maternal and lethargic, preoccupied by her husband's frequent meanderings into wishful thinking bordering on melancholia and her son Homer's sudden though less than fervent resolve to finally leave the hearth and wed his fiancée of seven years.

Sister Cora (Teresa Wright) next door has worries of her own—after forty-five years of sharing her home and, on some ambiguous level, her husband with unmarried sister Arry (Elizabeth Wilson), at sixty-five the baby of the family, Cora's had enough. Now she's determined to steal off with her spouse to claim that house on the hill that was standing empty while Homer contemplated matrimony. Every so often Esty (Maureen O'Sullivan) makes a breathless appearance to add what she can to the confusion, but she has to do so on the sly, since her mate, a retired scholar, considers the Gibbs clan to be somewhat on the moronic side. He's not entirely wide of the mark either, although myopic is more like it—anything that may occur in the universe beyond their domestic domain is a vast blur to the Gibbs ladies, but within those hedged borders their vision is acute enough to wither the crabgrass. They all harbor their respective little mysteries as defiant banners of individuality, but each has long since uncovered the others' secrets; simple politeness prevents them from revealing this. In the less than twenty-four hours of the play's action, alliances shift and decisions are taken but in fact nothing is seriously altered—the warm sparks of internecine jousting are the life force that keeps this elderly group going.

ONE OF THE THINGS THAT make *Morning's at Seven* so disarming is that, like the Gibbses themselves, the play never aspires to stray outside its own natural boundaries. There's no grasping for cosmic moral truths here; no intimations of

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Death wait patiently in the toolshed. Any generalizations about old age that Osborn may wish to impart are so small-scale and so unobtrusively woven into the texture of the play that they can scarcely be extracted in discrete nuggets. Yet the portrait he draws of these people is at least as persuasive as recent theatrical treatments of the elderly like *The Gin Game* and *On Golden Pond*, precisely because age as such is not the issue in this play. As *Morning's at Seven* would have it, the years alter the contours but not the essence of people like these. The impulses and inhibitions that shaped them in youth continue to exert their powers until the end—Esty, Cora, Ida, and Arry are as zestful and susceptible to surprise, contentment, and bloody fury as they ever were.

At the same time, Osborn's humor often comes from shrewdly subverting our own assumptions concerning these ladies in their supposedly declining years. We expect these conventional dowagers to be demure and desiccated—at times the Gibbses come to with a start and act that way themselves. So the laugh is really on the audience when the four revert to what comes naturally to them—giggling with titillation over the rumored pregnancy of Homer's fiancee, or chasing each other around the back porch for a glimpse at a document that's piqued their curiosity. There aren't enough sure-fire zinger laugh-lines in the entire text to fill three pages in a Neil Simon playscript. Context is everything here, as Osborn's characters utter those bromides-with-a-body-English that alternately confirm and undercut what we've already learned. The structure Osborn has imposed on his creation may look haphazard, but it actually has the canny symmetry of Mozartian opera, replete with contentious quartets and contrapuntal duets of estrangement and reunion with each sister assured of at least one aria to express her momentary triumph and lifelong rue.

There's no denying that Osborn strikes his note of antic folksiness a trifle too insistently, but in this production he's been blessed with a director who knows enough not to hold on to it too long. After all, each of the four heroines takes her travails very seriously, and Matalon makes sure the actresses he's assembled do the same. All of them express to perfection the nuances and contradictions of character that are merely latent in the text. Nancy Marchand's Ida is all nasal stoicism, but there's enough backbone left over from the granitic types Marchand is accustomed to playing to suggest she's not quite everyone's fool, at least not all the time. Teresa Wright supplies a sinewy determination beneath Cora's apparent compliance; Maureen O'Sullivan as Esty, purportedly the wisest of the sisters, possesses so much sense and serenity that you're more than willing to overlook her overseas accent. Elizabeth Wilson has made a career of playing the emotionally thwarted, but her darting, angular desperation has rarely been so skillfully tempered. Her first-act epiphany on the back porch, in which she casually wishes sister Cora dead and then beseeches God to let her take it back, could easily have curdled into cheap bathos. Instead, it's the most moving moment in recent theatrical memory. The rest of the cast is scarcely less accomplished, with a particular nod due David Rounds's Homer, eyes congealed and face concrete at the prospect of stumbling into adulthood at the age of forty.

Matalon concludes the evening with a deliciously apt image not spelled out in the text—Esty and her husband sitting on opposite porches, exchanging glances full of playful challenge. The game isn't nearly over yet—nor was it ever for this play, despite the short life of its first production. There's a strain of Osborn's observant, compassionate comedy and rustic detail in the Inge of the fifties (somewhat overshadowed by that author's sexual grandstanding); also, *The Fifth of July* and others of Lanford Wilson's bittersweet chronicles of midwest family life owe a considerable debt to this one, whether Wilson was conscious of it or not. What a pleasure it is to have the chance of savoring *Morning's at Seven* firsthand at long last. ❏

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FILM

New directors —new films

ELLIOTT STEIN

THAT NEW YORK MOVIE buffs are often sheep and Vincent Canby their shepherd was amply demonstrated during the Museum of Modern Art's international festival in mid-April. The screening of *Interviews on Personal Problems,* the work of arguably the least interesting of the five women directors currently active in the Soviet Republic of Georgia, was packed; hundreds were turned away. The picture had met with the approval of the *New York Times*'s critic. This Russian film was followed by the Portuguese ***Doomed Love***, one of the most inventive and original movies made in Europe in recent years. The *Times* had not deemed it worthy of notice; the place was nearly empty.

The novel *Amor de Perdição,* by Camillo Castello-Branco (1826–90), is a national monument in Portugal. Manoel de Oliveira's film hardly seems an adaptation of the book: It *is* the book. Never, to my knowledge, has a great work of literature been filmed with such fidelity. The director observes the social codes of the Lisbon of the early nineteenth century as if all were under glass, with a hieratic narrative technique. The rigid, stylized acting, often reminiscent of oriental theater, is in sharp contrast to the violence of the plot. At first, the characters seem no more than wax figures, cloistered and boxed into the beautiful but closed perspective of genre painting décors in impeccable period lighting, but as the solemn story slowly unfolds, they gradually come alive to shattering effect.

There are elements of Diderot and Stendhal in this tale of a young couple from noble but warring families, a Romeo and Juliet affair which becomes a *ménage à trois* with the addition of a young peasant girl who loves the hero and follows him to his death. In *Doomed Love,* de Oliveira enforces a constant tension between sound and image, narration from the book and on-screen events; characters speak directly to the camera or off-screen commentary precedes by several shots the scenes described, which effectively dislocates the action. *Doomed Love* becomes a fascinating contemplation of the relationship between literature and cinema.

In a letter written in the thirties, famous in the trade, a midwestern exhibitor complained to a Warner Brothers exchange: "Don't send me any more of those movies where they write with feathers." They do write a lot with feathers in this one, but the message is memorable.

This was the Museum's ninth annual New Directors/New Films: sixteen films at hand from twelve countries. The aim is not only exposure for film makers' first pictures, but the introduction of works by directors who may have been around for a while but whose films are as yet unknown in this country. A case in point was Paul Vecchiali, who has made half a dozen films, none of which has ever seen a theatrical release in these parts. ***Drugstore Romance*** (*Coeur à Corps*) is delightful in its own right and for its evocations of a nearly extinct genre—the poetic populist French film, in the tradition of the work of René Clair, Renoir, the Marcel Carné–Jacques Prévert collaborations, Jean Grémillon.

Drugstore Romance

Romance is a tale of a romantic obsession—*l'amour fou.* A garage mechanic falls in love with a pharmacist twenty years his senior. When she sends him about his business, he lays siege to her drugstore, camps out in the street in front of it in his car with full household regalia including potted plants and shaving accessories, and remains there for days. Passersby are startled at the sight of this large tomcat down on his knees meowing out his passion in front of the advertisements for aspirin and Kotex.

As luck would have it, the lady discovers she is dying of an incurable disease and decides to go off with the horny grease monkey for one last tear-jerking fling. And at this point, what is really amazing is that Vecchiali's demented soap opera makes the perilous leaps from comedy to melodrama to tragedy without breaking its neck. Part of this success is due to the director's having rooted the action firmly in one of those streets in suburban Paris which, in spite of encroaching skyscrapers, have remained a real neighborhood, a *quartier* where everyone knows everyone else. The place is thick with idiosyncratic characters, a vociferous street chorus whose eccentricities counterpoint the drugstore romance.

The blue-collar Lothario is played with great charm by Nicholas Silberg of the *Comédie Française.* However, the irresistible heart of the movie is Hélène Surgère as the *bourgeoise* pharmacist. (She was equally impressive as one of the bawds in Pasolini's *Saló—the 120 Days of Sodom*; the late Italian director had originally cast Jeanne Moreau in that role but changed his mind after seeing Surgère in an early Vecchiali film, *Femmes, Femmes.*) She gives a magical, luminous performance; her ripe nudity in the love scenes brings to the screen the ruddiest of carnal still lifes.

The Outsider is a fiction film set firmly in the midst of the very real "troubles" in Northern Ireland. It marks the directorial debut of Tony Luraschi, a Californian of Italian descent who lives in Paris. His father, based in London, is a vice president of Paramount Pictures, which financed the movie via a nominally Dutch production company; technically, it is a Dutch film. Although it begins and ends in Detroit, most of the action takes place in the slums of Belfast, recreated on the streets of Dublin.

Michael Flaherty (Craig Wasson), scion of a wealthy American family, has grown up on the tales told by his grandfather (Sterling Hayden) of the good old days Gramps had lived as a young IRA warrior in the old country. Michael goes off to Vietnam and returns in moral disarray; he has not yet found a cause

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worth fighting for. With a nod from Gramps, he heads for the old sod and promptly joins the IRA. Its leaders decide he will be of best use to them as a corpse: An American martyr would be a good fund-raising ploy if his death were properly publicized to Irish-American sympathizers in the States. He is packed off to Belfast, where they plan to murder him with a stolen British rifle. Michael escapes and makes his way back to Detroit. There Gramps, now on his deathbed, confesses that, in truth, he had not been a freedom fighter as a youth, but an informer who had fled to America to escape the wrath of friends he had betrayed. The message of this film about one of the great human tragedies of our time is identical to that of *The Wizard of Oz*: You're always better off in your own back yard (even if the yard is in Detroit).

Except for the framing scenes in America, during which Hayden blusters through his beard like a Biblical prophet afflicted with terminal broguitis, this is a fairly gripping film, with something in it to offend nearly everyone. When it was released in England last year, audiences were shocked by scenes of well-bred British officers presiding over the torture by electricity of a nude Irish prisoner—a blind pacifist.

The scenes of the daily horror of sniping, sabotage, and the massacre of child terrorists on the dank chilly streets of Belfast's Short Strand quarter—an urban no man's land—are all convincingly staged. And Patricia Quinn (recently seen in the BBC's "I, Claudius" series) is superb as Siobhan, a girl with whom the outsider is briefly involved.

The picture was made in 1978, but Paramount seems in no hurry to release it here. Though it does fizzle out in forced ironies, *The Outsider* has much of interest and deserves an audience.

TWO FILMS IN THE SERIES which are otherwise far apart in style and substance, *Without Limits*, from Mexico, and *Manila: In the Claws of Darkness*, from the Philippines, include scenes of homosexuality and transvestism in fiercely macho societies. ***Without Limits*** was adapted by director Arturo Ripstein and the Argentinian novelist Manuel Puig (*Kiss of the Spider Woman, Heartbreak Tango*) from a novel by the Chilean author José Donoso. It takes place in a dusty dead small town where a handful of inhabitants remain: a wacky aristocrat, a supermacho truckdriver and his family, and an aging transvestite dancer who lives with assorted adipose whores in a tacky brothel that has seen better nights.

The story is basically a clash between two shades of red. The film begins with Pancho, the driver, rumbling back into town in his rickety, tomato-colored truck. Manuela, the dancer, spends a great deal of time simpering, kvetching to the whores, painting his face, and

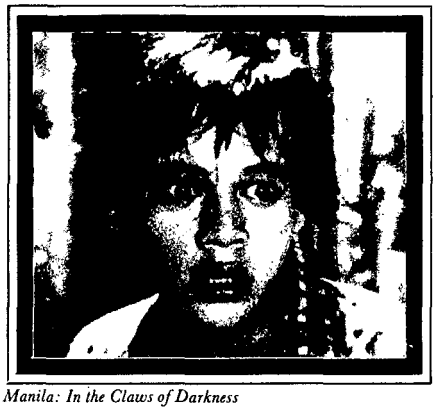
Without Limits

repairing a torn scarlet ball gown. Pancho, ostensibly a great lady-killer (in point of fact he hates women and really would like to kill them), gets drunk and is aroused by the sight of Manuela sashaying in his finery; he dances with him and kisses him on the mouth. Taunted by his boorish brother-in-law for this lapse in masculinity, Pancho decides to save his lipstick-smeared face, tracks down the fleeing Manuela in his truck, and beats him to death.

The opening scenes that delineate the opposing forces in the putrid pueblo are excellent. The bravura climax is a well-timed series of fireworks. But for most of the middle of his film, Ripstein does little more than tread water until the final confrontation. For film buffs the principal interest of this uneven movie will be the return to the screen of Roberto Cobo, who was Jaibo, the perverse hoodlum in Luis Buñuel's *Los Olvidados*. Thirty years have passed since then: The sinister teen-ager has become a middle-aged drag queen. Cobo, out of work for some time, had become a semiderelict. Ripstein spotted him hanging around the studio in Mexico City and offered him the lead in *Without Limits*. He is as unforgettable here as he was in Buñuel's masterpiece.

Films have been made in the Philippines since 1912. Each year 150 movies are produced there by an industry that has its own star system, talented directors (Gerry de Leon, Eddie Romero, Lino Brocka) and a distribution circuit that extends through all of Southeast Asia. For most of the United States, it is almost as if none of this existed. If we see the Philippines on screen at all, it is likely to be as a location background shot for films supposed to be taking place elsewhere, e.g., *Apocalypse Now*, where the islands were passed off as Vietnam.

Lino Brocka's ***Manila: In the Claws of Darkness*** was the revelation of a major talent. Brocka is the most independent of Philippine directors; his films, often set in the slums of Manila, have never met with official approval. The government was more embarrassed than pleased when *Insiang* was greeted with applause at the 1978 Cannes festival and subsequently did well in European theaters. It was not anxious for an international audience to view a realistic slice of life in the country it has ruled by martial law since 1972. Brocka's most recent film, *Jaguar*, was invited to this year's Cannes festival. The Marcos censors banned its exportation. Brocka supporters Sean Connery and director John Boorman garnered enough support in Europe to squeeze an export permit for *Jaguar* from Manila. One was finally



Manila: In the Claws of Darkness

granted last month, but permission was granted for only one showing, and only at Cannes.

Manila: Sa Mga Kuko Ng Liwanag is the story of Julio (Rafael Roco), a young fisherman from the country who comes to the capital in search of his fiancée. Lured there by the promise of a good job, she has been appropriated by white slavers. He gets work as a member of an exploited construction crew, is laid off, then turns a few tricks in a male brothel. He makes many friends among the starving denizens of the slums—the warrens of wooden shacks where most of Manila's seven million live in squalor.

This is a dark story of attractive people in a beautiful and fertile land forced into lives of dry rot by those who govern; it is told in a rich and dense narrative style, by turns realistic, poetic, and erotic. One is reminded of Genêt as much as of Zola. *Manila* is engrossing from start to finish, but a few particularly remarkable scenes stick in the memory: a cus-

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tomer of the male bordello attempting to perform fellatio on Julio and simultaneously to control his prancing pet Pekingese, which is yelping for attention; Julio and his girl taking refuge in a movie theater where Nicholas Ray's 1962 *King of Kings* is playing—"in honor of the Pope's visit"; an aggrieved friend who has been unable to break the news to the boy that his fiancée has been murdered managing to do so only after extinguishing a cigarette in the palm of his own hand.

In the midst of this particularly arid spring movie season—the first two big American films of 1980, Stanley Kubrick's *The Shining* and the *Star Wars* sequel, *The Empire Strikes Back*, are not due until the end of May—the variety and energy in the New Directors series came as rain from heaven.

The five films I have discussed, and others seen at the Modern—from Japan, Brazil, Poland, England, and the United States—will all travel as a package to Santa Fe, where the festival will be repeated and enlarged at the Lensic Theater under the auspices of the National Film Preserve, organizers of the Telluride Film Festival. ❑

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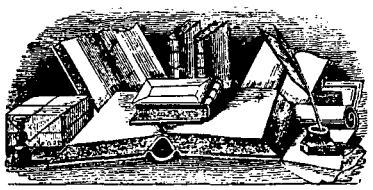

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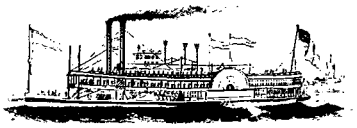

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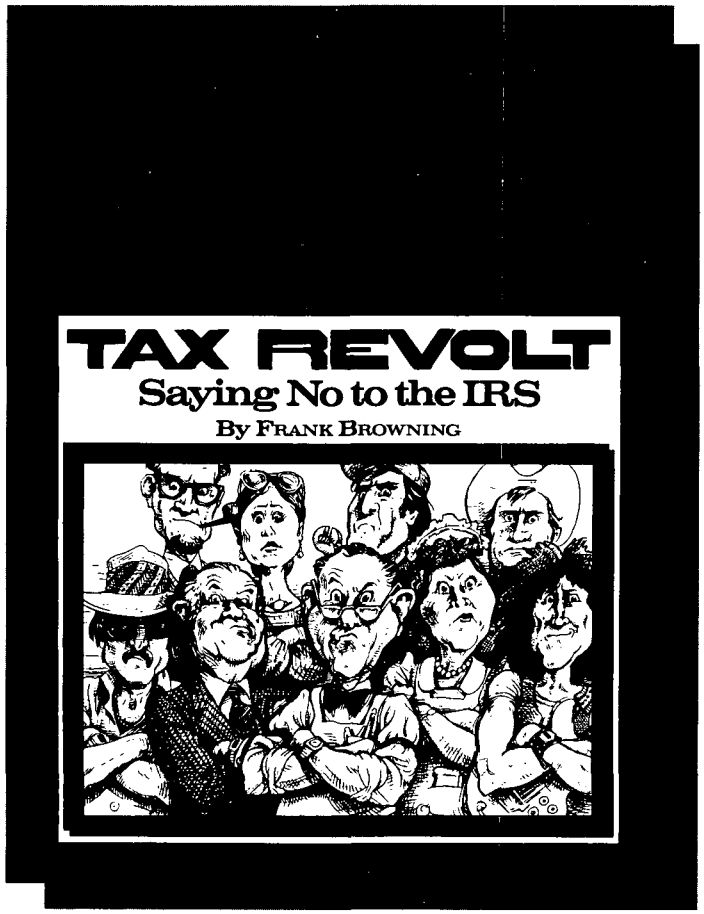

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